

## **FARA Positions on the Proposed DII Legislation For the 2008 NCAA Convention**

### **Division II Legislative Review Committee**

Robert C. Ziegenfus, Chair, Kutztown University of Pennsylvania  
Joseph Catanese, Saint Anselm College  
William Hudson, Saint Cloud State University  
Brenda Cates, Mount Olive College  
Keith Vitense, Cameron University  
Eileen Patton, National SAAC, Baldwin Wallace College  
Matt Werasko, National SAAC, Christian Brothers University

**Note:** Revisions to the original Legislative Review Committee position statements were developed at the DII LRC session held on November 9, 2007 during the FARA Annual Meeting and Symposium in Baltimore, MD.

### **No. 2-1 NCAA MEMBERSHIP — ELIGIBILITY FOR MEMBERSHIP — CANADIAN MEMBERSHIP PILOT PROGRAM**

**Intent:** To establish a pilot program to allow Canadian institutions to join the Division II membership.

**Rationale:** This pilot program will allow the Membership Committee to study the feasibility of Canadian institutions joining the Division II membership. It could also potentially help to increase the number of active Division II institutions. It would also allow Division II to examine the issues involved with international membership and to assess the viability of Canadian institutions becoming active members in the Association. The pilot program would also allow the governance structure to properly address any potential logistical challenges that are inherent in competing outside the United States. The proposed effective date for this amendment is immediate to permit Canadian institutions to meet the application deadline of June 1 to enter into the membership process during the 2008-09 academic year.

**FARA Position: Support.** There seem to be no negative academic or student-athlete well-being impacts associated with this pilot program. Indeed, some potential may exist for a reduction in missed class time by current members in the western United States, depending upon which Canadian institutions become members of DII.

### **No. 2-2 NCAA MEMBERSHIP — MEMBER CONFERENCE — ELIGIBILITY — CONFERENCE OF AT LEAST SIX ACTIVE MEMBER INSTITUTIONS**

**Intent:** To establish a process for a conference of at least six active member institutions desiring to attain voting conference status and gain access to voting conference

membership privileges, as follows: (1) Require submission of an application to the Membership Committee on or before December 1; (2) Require submission of information at the time of application, including a conference strategic plan, a conference constitution and bylaws, documentation affirming the conference satisfies the sports sponsorship requirement, a business plan for conference office operations and a student-athlete advisory committee development plan; and (3) Require the conference commissioner to attend the NCAA Convention in the year immediately following the submission of the application.

**Rationale:** Newly formed conferences that consist of at least six active member institutions must demonstrate their long-term stability and viability before being considered an active conference. Such conferences will be required to submit information that illustrates the planning and development of the conference. In addition, requiring a newly formed conference to submit an application by December 1 will allow the conference to send its commissioner to the NCAA Convention the following year in January to begin to learn the issues confronting the division. Finally, a newly formed conference will attain voting conference status and gain access to voting conference membership privileges on approval of the application by the Membership Committee. However, the conference shall not attain an automatic qualification for Division II championships until it has been a voting member conference for at least two consecutive academic years. The immediate effective date will allow for the development of potential new conferences during the 2008 calendar year.

**FARA Position: Support.** This proposal sets forth specific procedures for conference formation.

#### **No. 2-3 NCAA MEMBERSHIP — MEMBER CONFERENCE — ELIGIBILITY — CONFERENCE WITH FEWER THAN SIX ACTIVE MEMBER INSTITUTIONS**

**Intent:** To establish a process for a conference with fewer than six active member institutions desiring to attain voting conference status and gain access to voting conference membership privileges, as follows: (1) Require submission of an application to the Membership Committee not later than December 1; (2) Require submission of information at the time of application, including a conference strategic plan, a conference constitution and bylaws, documentation affirming the conference satisfies the sports sponsorship requirement, a business plan for conference office operations, and a student-athlete advisory committee development plan; and (3) Require the conference to complete an educational assessment program within the year immediately following submission of the application, as specified.

**Rationale:** Newly formed conferences that consist of less than six active member institutions must demonstrate their long-term stability and viability before being considered an active conference. Such conferences will be required to submit information that illustrates the planning and development of the conference. In addition,

requiring a newly formed conference to submit an application by December 1 will allow the conference to begin its educational assessment program in the following year. Finally, a newly formed conference with less than six active member institutions will attain voting conference status and gain access to voting conference membership privileges on approval of the application by the Membership Committee. However, the conference shall not attain an automatic qualification for Division II championships until it has been a voting member conference for at least two consecutive academic years and it has at least six members that sponsor the sport on a varsity intercollegiate basis. The immediate effective date will allow for the development of potential new conferences during the 2008 calendar year.

**FARA Position: Support.** This proposal sets forth specific procedures for conference formation.

#### **No. 2-4 ORGANIZATION — EXECUTIVE COMMITTEE — DUTIES AND RESPONSIBILITIES**

**Intent:** To clarify the Executive Committee's existing authority to adopt and implement policy.

**Rationale:** The NCAA Constitution charges the Executive Committee with overseeing Association-wide issues under Constitution Article 4.01.1. The constitution also charges that the Executive Committee, among other things, "shall act" on behalf of the Association to resolve core issues and Association-wide matters under Constitution Article 4.1.2. Under existing provisions of the constitution, the Executive Committee has authority to act by adopting and implementing policies. Presidents and chancellors on the Executive Committee are charged with providing such leadership and may do so by policy. The amendment does not change the duties and responsibilities of the Executive Committee. Neither does the amendment expand the Executive Committee's authority or power.

**FARA Position: Strongly Support.** This proposal clarifies the role of the Executive Committee without changing its scope of responsibility.

#### **No. 2-5 RECRUITING — PRINTED RECRUITING MATERIALS — ELECTRONIC TRANSMISSIONS — ELECTRONIC TRANSMISSIONS FOLLOWING NATIONAL LETTER OF INTENT SIGNING OR OTHER WRITTEN COMMITMENT**

**Intent:** To specify that electronically transmitted correspondence that may be sent to a prospective student-athlete is limited to electronic mail and facsimiles; further, to specify that after the calendar day on which a prospective student-athlete signs a National Letter of Intent (NLI), the institution with which the prospective student-

athlete has signed shall be permitted to send other forms of electronically transmitted correspondence (e.g., instant messaging, text messaging) in addition to electronic mail and facsimiles, and that for an institution not using the NLI in a particular sport, or for a prospective student-athlete who is not eligible to sign the NLI, the institution shall be permitted to send other forms of electronically transmitted correspondence in addition to electronic mail and facsimiles after the calendar day on which the prospective student-athlete signs the institution's written offer of admission and/or financial aid.

**Rationale:** The unlimited use of certain forms of electronic communication, such as instant and text messaging, to contact prospective student-athletes has become problematic. Coaches feel compelled to contact prospective student-athletes constantly, prospective student-athletes are distracted all hours of the day and night, and prospective student-athletes and their parents are bearing the significant costs involved with receiving text messages. In addition, instant and text messaging further removes the parents and high school coaches from the recruiting process. Prohibiting institutions from sending these intrusive and impersonal forms of electronic communication to prospective student-athletes and returning to the use of weekly telephone conversations, electronic mail sent to computers and written correspondence will reduce the burdens that have been created with the overuse of text messaging sent to cell phones and other portable electronic communication devices. This proposal would also establish an exception that would be similar to the current exception regarding unlimited telephone calls after a written commitment. This would allow institutions to use instant messaging and text messaging after the signing of the National Letter of Intent or other written commitment for the day-to-day aspects of pre-enrollment activities while still maintaining the integrity of the recruiting process (e.g., sending a text message reminder to a signed prospective student-athlete that an admissions application is due, sending a message that the NCAA Eligibility Center is missing test scores).

**FARA Position: Strongly Support.** Prospective student-athlete well-being is the motivation for this proposal. Input from national SAAC members indicates that they will strongly support this legislation as well. One of their specific concerns was the additional financial burden imposed by the receipt of text messages.

## **No. 2-6 RECRUITING, ELIGIBILITY AND FINANCIAL AID — PERMISSION TO CONTACT, TRANSFER RELEASE AND FINANCIAL AID HEARING — NOTICE OF INSTITUTIONAL DENIAL OF STUDENT-ATHLETE REQUEST**

**Intent:** To specify that notification of an institution's decision to deny a student-athlete's request to permit another institution to contact the student-athlete about transferring, notification of the institution's decision to deny the student-athlete's request for release as a condition of the onetime transfer exception and notification to a student-athlete in regard to the opportunity for a hearing when his or her athletics aid is

reduced or cancelled during the period of the award or is reduced or nonrenewed of aid for the following academic year, must be provided to the student-athlete, in writing from the athletics director (or his or her designee), within 14 consecutive calendar days from receipt of a student-athlete's written request.

**Rationale:** Current legislation does not specify the time period during which an institution must respond to a student-athlete's request to contact another institution about transferring, request for release as a condition of the one-time transfer exception and notification to a student-athlete in regard to the opportunity for a hearing when his or her athletics aid is reduced or cancelled during the period of award or the aid is reduced or nonrenewed for the following academic year. A delay in an institution's decision in any of these situations may be detrimental to a student-athlete's wellbeing, and may put the student-athlete at a disadvantage when seeking other opportunities at another institution. The 14 consecutive calendar day period will provide institutions with time to review a student-athlete's request and provide written notification to a student-athlete about its decision. The 14 consecutive calendar day period is consistent with other restrictions in the NCAA Division II Manual.

**FARA Position: Strongly Support.** This legislation moves us closer to providing student-athletes with a timely response to their request. While welcome, there is still a glaring omission at the end of the process in that there is no time designation for notification to the student-athlete of the institution's decision at the conclusion of the hearing. FARA identified this weakness in last year's proposal and had hoped it would have been rectified.

## **No. 2-7 ADMISSIONS AND GRADUATION DATA AND BANNED DRUG LIST — INITIAL-ELIGIBILITY STANDARDS — NOTIFICATION TO PROSPECTIVE STUDENT-ATHLETES**

**Intent:** To require an institution to provide information regarding the Division II initial-eligibility standards to all recruited high school prospective student-athletes at the earliest practical time, but not later than the day prior to the student-athlete signing a National Letter of Intent or written offer of admission and/or financial aid; further, to specify that a violation of this provision is an institutional violation, but does not affect the prospective student-athlete's eligibility.

**Rationale:** There has been an increase in the use of misadvisement, misinformation or lack of information as mitigating circumstances in initial-eligibility waivers. Some institutions site misadvisement as a mitigating circumstance in multiple waiver requests. This proposal seeks to reduce the instances of lack of information or misadvisement in initial-eligibility waivers by requiring institutions to inform high school prospective student-athletes of the initial-eligibility requirements at the earliest opportunity during the recruiting process. This recommendation makes sound academic sense because it requires institutions to provide the information early in the recruiting process. Additionally, this proposal is consistent with other legislation that

requires the institution to provide prospective student-athletes with graduation-rate data and NCAA banned drug list information.

**FARA Position: Strongly Support.** The FARs support all efforts to bring greater clarity to the recruiting process for prospective student-athletes.

## **No. 2-8 RECRUITING — RECRUITING MATERIALS — VIDEO/AUDIO MATERIALS**

**Intent:** To specify that an institution may not provide athletically related video/audio (e.g., highlight film, videotape, audiotape) materials to a prospective student-athlete until September 1 at the beginning of the prospective student-athlete's junior year in high school, except video/audio materials regarding an institution's community engagement activities may be provided to a prospect at any time; further, to specify that violations of this rule are considered institutional violations and do not affect the prospective student-athlete's eligibility.

**Rationale:** The proposed change to deregulate video/audio materials is consistent with the deregulation of printed recruiting materials. At this time, it is not cost prohibitive for institutions to produce video/audio materials. The production of such video/audio materials will be determined by each institution's budget. This will allow for more creativity in developing athletically related video/audio materials. This is also an effort to ensure that the recruiting regulations regarding video/audio materials are keeping pace with the changing technology. This proposal has an immediate effective date so as to allow institutions the benefit of applying the rule as soon as possible.

**FARA Position: Support.** The deregulation of audio-visual materials is consistent with the similar effort for printed materials. Also, this proposal accepts the premise that technology has dramatically altered the recruiting process. There would appear to be no recruiting advantage for some institutions over others. The only hesitation, hence the choice of support rather than strongly support, is the still largely unknown realm of what is a permissible "community engagement" activity. For example, could a community engagement video starring a university's high profile quarterback wearing his team uniform be shown at a high school assembly or to the local booster club where ninth and tenth graders are present?

## **No. 2-9 RECRUITING — RECRUITING MATERIALS — VIDEO/AUDIO MATERIALS — COMPUTER RECRUITING PRESENTATIONS**

**Intent:** To permit an institution to produce a computer recruiting presentation to show a prospective student-athlete during any permissible contact.

**Rationale:** As early as 2000, the membership began to consider legislation concerning recruiting presentations created by presentation software. Since then, as a standard inclusion in computer software packages, the availability and use of presentation

software has increased dramatically, and at little or no cost to institutions. Such technology has become so common that there is no longer a perceived recruiting advantage. Rather, the value lies with the institution's ability to produce concise presentations and eliminate the expense of printing materials. While such presentations may include still photos (e.g., institutional facilities, coaching staff members) and slide transitions already contained in the software program, other video/audio materials will continue to be restricted by the current legislation. Further, the creating of such presentations may not be outsourced, thus eliminating additional cost to the institution.

**FARA Position: Support.** Please note that this proposal will be moot if the preceding proposal is approved. In the unlikely event that 2-8 is rejected, our support of this proposal follows from its clarifying the use of technology in recruiting.

#### **No. 2-10 (1-1) RECRUITING AND PLAYING AND PRACTICE SEASONS — PRESEASON PRACTICE — MANDATORY MEDICAL EXAMINATIONS — TIMING OF MEDICAL EXAMINATION**

**Intent:** To specify that a medical examination must be administered within one year prior to a prospective student-athlete's and a student-athlete's participation in any tryout, practice, competition or out-of-season conditioning activities; further, to specify that an updated medical history must be administered within one year prior to a student-athlete's participation in any practice, competition or out-of-season conditioning activities for the applicable academic year.

**Rationale:** At the 2007 NCAA Convention, the Division II membership adopted Proposal No. 23 (playing and practice seasons - preseason practice - mandatory medical examinations), which requires prospective student-athletes and student-athletes to undergo a medical examination administered or supervised by a physician prior to initial participation in any practice, competition or out-of-season conditioning activities. Per that legislation, the medical examination must be conducted within six months prior to participation in any tryout, practice, competition or out-of-season conditioning activities. This proposed change would extend the period of time in which the medical examination and updated medical history must be conducted prior to participation in such activities from a six month period to one year. Prospective student-athletes, student-athletes and institutions will benefit from this change because it will provide more time to obtain the medical examination or an updated medical history.

**FARA Position: Oppose.** The Committee on Competitive Safeguards plans to oppose this measure. This was a major reason the President's Council and Management Council also plan to take the same stance. The FARs believe the Committee's insight on these matters should be instructive for all the decision-makers.

## **No. 2-11 ELIGIBILITY — GENERAL ELIGIBILITY REQUIREMENTS — DRUG-TESTING CONSENT FORM — 14-CONSECUTIVE DAY GRACE PERIOD**

**Intent:** To specify that a student-athlete who is trying out for a team is not required to complete the NCAA Drug-Testing Consent Form for 14 consecutive days from the first date the student-athlete engages in countable athletically related activities or before the student-athlete participates in a competition, whichever occurs first.

**Rationale:** Under current legislation, student-athletes trying out for an institution's athletics team must complete the Drug-Testing Consent Form prior to practice or competition, whichever comes first. In some circumstances, student-athletes only participate for a few days before either being cut from the team or quitting the team. The time and effort spent by the institution in having each student-athlete complete the form results in wasted effort. This proposal would eliminate extra paper work and the time required to complete forms until the student-athlete is actually added the squad list.

**FARA Position: Strongly Support.** A reduction in paperwork without changing the policy for squad lists is a positive step.

## **No. 2-12 ELIGIBILITY — FULL-TIME ENROLLMENT — REQUIREMENT FOR PRACTICE OR COMPETITION — ELIGIBILITY FOR MALE STUDENTS OR MALE STUDENT-ATHLETES TO PRACTICE WITH WOMEN'S TEAMS — CERTIFICATION REQUIREMENTS**

**Intent:** To specify that a male student who practices with an institution's women's team must be certified in accordance with all applicable NCAA eligibility regulations for practice and competition; further, to specify that a male student-athlete in any sport may engage in practice sessions with an institution's women's team.

**Rationale:** Currently, there are two standards in place for certification of male practice players depending on whether they are used on an occasional or a regular basis. This has caused some confusion in the membership regarding the certification of male students who practice with an institution's women's team. This recommended change would establish one standard for certifying male students who practice with an institution's women's team, regardless if such males participate on an occasional or regular basis. In addition, it should be left to the discretion of institutions that use male practice players to determine if they use male students or male student-athletes in that capacity. All Bylaw 17 regulations (e.g., maximum of 20 hours per week during the playing season, maximum of eight hours per week outside the playing season, required days off during the playing season and outside the playing season) would continue to apply if a male student-athlete practices with an institution's women's team.

**FARA Position: Strongly Support.** The clarification of certification for male practice players by eliminating the distinction between occasional and regular is a positive step. It was noted that the national SAAC has some concerns about the safety of female players.

#### **No. 2-13 ELIGIBILITY — SEASON-OF-COMPETITION WAIVER COMPETITION WHILE ELIGIBLE — DOCUMENTED COACH'S MIDUNDERSTANDING**

**Intent:** To specify that a student-athlete may be granted an additional season of competition when, due to a coach's documented misunderstanding of the legislation, the student-athlete, while eligible, participated in competition.

**Rationale:** This proposal is in response to the Association-wide emphasis on student-athlete wellbeing and in recognition of the substantial detriment to the student-athlete in a situation where he or she was following a coach's instruction, but the coach's instruction was based on a misunderstanding of legislation. Since a coach must verify that he or she misunderstood that entering the student-athlete into competition would trigger the use of the season, and because the proposed legislation only allows those student-athletes who have competed in nonregular-season competition to qualify for the waiver, the potential for coaches to use this circumstance in an abusive manner is negligible. This proposal purposefully excludes any reference to the timing of when the nonregular-season competition takes place since nonregular competition may occur at any point during a season and that restricting the timing of such competitions may unfairly benefit some sports and exclude others.

**FARA Position: Support.** No student-athlete should be penalized for an error by a coach in interpreting legislation. It does beg the question, however, of why a coach would not verify his/her interpretation prior to a contest.

#### **No. 2-14 ELIGIBILITY — FRESHMAN ACADEMIC REQUIREMENTS — ELIGIBILITY FOR FINANCIAL AID, PRACTICE AND COMPETITION — QUALIFIER — EXCEPTION — EARLY ACADEMIC CERTIFICATION**

**Intent:** To specify that a prospective student-athlete shall be certified as a qualifier, provided he or she has achieved (a) A minimum combined score on the SAT verbal and math sections of 1000 or a minimum sum score on the ACT of 85, per the requirements of Bylaw 14.3.1.3; and (b) A core-course grade-point average of 3.000 or higher (based on a maximum of 4.000) in a minimum of 12 core courses on completion of six semesters (or the equivalent), including three core courses in English, two in mathematics, two in natural or physical science and five additional core courses in any NCAA core area.

**Rationale:** Colleges and universities frequently admit students after receipt of a six-semester high school transcript and standardized test score. NCAA initial-eligibility

rules currently make no similar provision for an "early qualifier" status. The requirement of an eight semester transcript for all students results in the vast majority of final certifications occurring during July and August, which results in significant volume in a short period of time. An early certification process in which a reasonable percentage of anticipated qualifiers would be certified as qualifiers after six semesters of high school will provide member institutions with earlier eligibility decisions, and alleviate some of the volume during the busy summer months. Based on data provided by the NCAA research staff, it is clear that prospective student-athletes who meet this standard would be deemed qualifiers after eight semesters. In addition, this proposal lessens the amount of bureaucracy involved in the initial-eligibility process. It is important to note that no waiver process is available for prospective student-athletes who do not meet the exception for early certification. Such prospective student-athletes will be evaluated subject to the standard requirements to be certified as a qualifier.

**FARA Position: Strongly Support.** The Committee believes that this legislation rewards high school athletes for above average academic performance, and provides needed relief to Compliance Coordinators to focus on the student-athletes who need assistance and be free of those who do not need attention.

#### **No. 2-15 ELIGIBILITY — FRESHMAN ACADEMIC REQUIREMENTS — CORE-COURSE UNITS**

**Intent:** To increase the total number of required core-course units for initial eligibility from 14 to 16; further, to specify that the two additional core-course units shall include one unit of additional courses in English, mathematics or natural or physical science and one unit in any core area.

**Rationale:** Current research data indicates that the Division II core-course requirements are lower than the majority of high school graduation requirements across the United States and the admission criteria for enrollment at Division II institutions. An increase in the number of core courses from 14 to 16 better aligns Division II initial-eligibility standards with the current high school standards for graduation and the current Division II admissions criteria. Exposure to core academic classes results in students better prepared to take SAT or ACT and better prepared for the demands of college coursework. This recommendation to increase core-course requirements would enhance the academic success of student-athletes at both the collegiate and high school levels. The recommendation requires an additional unit of courses in either English, mathematics or natural or physical science and one unit in any core area. This provides flexibility in core-course selection. This increase would be effective five years from the adoption date in order to provide ample notice to the membership and secondary-school population. If adopted, this legislation would raise the core-course requirement as follows: English 3; Math 2; Natural/ Physical Science 2; English, Math or Natural/Physical Science 3; Social Science 2; Additional/Any core area 4; and, for

a total of 16.

**FARA Position: Strongly Support.** Any effort to strengthen the preparation of prospective student-athletes should be supported. There is no additional burden on high school athletes as this merely aligns the NCAA requirements with already existing state graduation and institutional admission requirements.

**No. 2-16 PLAYING AND PRACTICE SEASONS — WEEKLY HOUR LIMITATIONS —  
OUTSIDE OF PLAYING SEASON — LIMITS ON COUNTABLE  
ATHLETICALLY RELATED ACTIVITIES PRIOR TO AND DURING THE  
FINAL EXAMINATION PERIOD**

**Intent:** To specify that all countable athletically related activities outside the playing season are prohibited one week prior to the beginning of the final examination period through the conclusion of the institution's final examinations.

**Rationale:** This change prohibits activities during the week before and during final examinations outside the playing season to ensure that time is available for student-athletes to study. This is a student-athlete well-being issue which benefits the student-athlete and enhances his or her opportunity for academic success.

**FARA Position: Strongly Support.** This is clearly a student-athlete academic well-being issue. It is also appropriate given the touted DII balance of academics and athletics.

**No. 2-17 PLAYING AND PRACTICE SEASONS — WEEKLY HOUR LIMITATIONS —  
OUTSIDE OF PLAYING SEASON — SKILL INSTRUCTION — SPORTS  
OTHER THAN FOOTBALL — VENUE AND SIZE OF GROUPS**

**Intent:** In sports other than football, to permit more than one group of student-athletes from the same team to participate in skill instruction with a coach outside the institution's declared playing season in the same facility or in different facilities at the same time, provided there is no comingling between the groups, and each group of student-athletes participates in skill instruction with a separate coach; further, to specify that no more than four student-athletes from the same individual sport shall be a part of a group of student-athletes working with a coach at one time, no more than four student-athletes from the same team in team sports with a starting squad size of six or fewer shall be a part of a group working with a coach at one time, and no more than six student-athletes from the same team in team sports with a starting squad size of seven or more shall be a part of a group of student-athletes working with a coach at one time.

**Rationale:** This will permit two or more groups of student-athletes from the same team to participate in individual skill instruction with their coaches outside of the declared

playing season at the same time, in the same or different locations, provided there is no co-mingling between the groups. In addition, each group of student-athletes must have a separate coach. The proposal also amends the number of student-athletes in the group depending on whether they participate in individual or team sports. This change benefits student-athlete well-being by providing more opportunities to participate in skill instruction during regular school hours, while at the same time, reducing some of the administrative burdens placed on institutional facilities and resources. Moreover, this addresses student-athlete time demands by allowing team sports with larger starting squad sizes to include more student-athletes in a group.

**FARA Position: Oppose.** The FAR position on this has been hardened by what is perceived as a continued attempt by coaches to expand skill instruction to practice. Last year, the FARs were quite adamant about any additional expansion of the concept. At the 2007 Convention, some FARs advocated that there should be a return to no skill instruction!

This year there is a great deal of concern about the co-mingling component. It would seem necessary to monitor virtually every session where the same facility is in use by one team. The "same facility by one team" component of this proposal is the problem. The same facility by different teams would probably be more acceptable.

The other main issue is allowing six students to participate. Therefore, a baseball team could have infield practice? FARs have every right to be concerned - at one time there was none, then two, now four, and perhaps six students. Next year will there be an advocate for allowing as many as the number of starters?

On a positive note, many FARs are sympathetic to the need to reduce the pressure on facilities and staff in institutions with space limitations. But, the proper means to achieve this still eludes us according to many FARs.

## **No. 2-18 (1-2) PLAYING AND PRACTICE SEASONS — BASKETBALL — PRESEASON PRACTICES — ON-COURT PRACTICE — START DATE**

**Intent:** In basketball, to specify that a member institution shall not commence the first on-court practice prior to 7 p.m. on the Friday nearest October 15.

**Rationale:** Current legislation specifies that on-court preseason basketball practice may not begin before October 15. In years when October 15 does not fall on a weekend, institutions must conduct "midnight madness" practices, which are open to the public, during the week. Attendance is generally lower than if such events occurred on a weekend. In addition, this causes a safety concern. By moving the first opportunity to practice to 7 p.m. on the Friday nearest October 15, student-athletes, coaches, training staff, prospective student-athletes, students, and the general public could

participate in a practice in the evening and return home at a more reasonable hour. Finally, this change is consistent with the Division II strategic positioning platform regarding community engagement initiatives.

**FARA Position: Oppose.** This legislation is in opposition to the spirit of deregulation and would lead to a different number of basketball practice days each year.

### **No. 2-19 (1-3) 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.

**Rationale:** Currently, an institution shall not play its first contest against outside competition before November 15, aside from the exceptions outlined in Bylaw 17.5.3.1. This proposal will establish a common starting date for regular-season contests that will allow institutions to play its first contest on a weekend night, which may increase attendance. In addition, permitting the first contest to begin on a Friday will provide for new opportunities with inter-conference play (e.g., conference challenge tournaments), opportunities to enter into a community engagement initiative in conjunction with the season-opening contest and reduce missed class time for student-athletes.

**FARA Position: Oppose.** The same rationale applies here as in 2-18.

### **No. 2-20 (1-4) PLAYING AND PRACTICE SEASONS — BASKETBALL — FIRST CONTEST — EXCEPTIONS — PRESEASON EVENTS — TIP-OFF CLASSIC**

**Intent:** In basketball, to specify that the Division II Tip-Off Classic may be played beginning on the Friday immediately preceding November 1 in calendar years when November 1 falls on a Saturday, Sunday or Monday.

**Rationale:** Currently, Division II Tip-Off Classic contests may not begin until November 1. This proposed change would allow the games to be played beginning on the Friday immediately preceding November 1 in calendar years when November 1 falls on a Saturday, Sunday or Monday. In calendar years when November 1 falls on a Tuesday, Wednesday or Thursday, it is likely that the first contest of the Division II Tip-Off Classic will not be scheduled to begin until the Friday following November 1. This will enable games to be scheduled beginning on Friday and conclude over the weekend, thereby reducing missed class time for student-athletes who participate in the event.

**FARA Position: Support.** The LRC and the national SAAC agree that this legislation will reduce missed class time for those involved in the Tip-off Classic.

## **No. 2-21 MEMBERSHIP REQUIREMENTS — PHILOSOPHY STATEMENT — STRATEGIC POSITIONING PLATFORM**

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

**Rationale:** Following the Division II Chancellors and Presidents Summit in June 2005, the NCAA Division II Presidents Council implemented a study related to the division's defining characteristics and key attributes. Thereafter, the Division II Strategic Positioning Platform was developed through data-driven research. The platform defines the division, and outlines its fundamental beliefs. The proposed changes will help to ensure consistency with the philosophy statement and the positioning platform. These changes will also serve as notice to the membership that the platform will serve as a guide for preparing legislation and planning and implementing programs for the division in the future.

**FARA Position: Strongly Support.** This proposal aligns the DII Philosophy Statement with the Strategic Positioning Platform Initiative.

## **No. 2-22 ADMINISTRATIVE REGULATIONS — ADMISSIONS AND GRADUATION-RATE DISCLOSURE — ACADEMIC PERFORMANCE CENSUS DISCLOSURE**

**Intent:** To specify that an institution shall forfeit Division II enhancement funds for the following academic year unless it has submitted, by the applicable deadline, its Academic Performance Census (APC) in a form approved and administered by the Presidents Council, or an entity designated by the Presidents Council.

**Rationale:** This recommended change will allow for the collection of APC information. APC data provides vital information used by the Division II membership to study student-athletes' academic performance, determine academic eligibility rules and consider the impact of various academic policies by gender, sport or ethnicity. The data represents the most important academic information collected by the Association, and is required to understand the effects of academic eligibility legislation. APC data may be submitted through the Academic Tracking System, which is the same system for reporting the institution's Academic Success Rate. The effective date of the proposed change is August 1, 2008; however, institutions will be required to submit data from the 2006-07 and 2007-08 academic years during the first year of disclosure. In addition, the penalty will be effective during the first year of required disclosure.

**FARA Position: Support.** This proposal establishes the penalty for failure to submit the Academic Performance Census data in a timely manner.