MINUTES OF THE

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE

Teleconference December 15, 2009

Participants:

Dan Fulks, Transylvania University
Portia Lowe, Lake Forest College
Julie Muller, North Atlantic Conference
Kent Reeves, East Texas Baptist University
Terry Rupert, Wilmington College (Ohio), chair
Amy Huchthausen, NCAA, recording secretary
Leah Kareti, NCAA
Jeff Myers, NCAA

Mark Dienhart, University of St. Thomas (Minnesota), Lori Runksmeier, New England College, and Phil Tonucci, Bowdoin College, were unable to participate on the teleconference.

[Note: These minutes contain only action taken (formal votes or stated "sense of the meeting") in accordance with NCAA policy regarding minutes of all Association entities. While certain items on the committee's agenda were acted on at various times throughout the meeting, all final actions within a given topic are combined in these minutes for convenience or reference.]

The NCAA Division III Interpretations and Legislation Committee teleconference was called to order at 3:07 p.m. Tuesday, December 15 by the chair, Dr. Rupert. All members were present as noted above.

1. Review 2010 NCAA Convention Question and Answer Document – Second Edition. The Interpretations and Legislation Committee approved a revised version of the second edition of the 2010 NCAA Convention Question and Answer document.

2. Review of Discussion Document on Fundraising Issues. The committee engaged in a detailed discussion of the document and issues related to fundraising. It was noted that during their October 2009 meetings, the NCAA Division III Management Council and NCAA Division III Presidents Council requested the committee further examine the issue and provide a recommendation for each councils' January 2010 meetings. The committee agreed to recommend to the Management Council and Presidents Council a modification to the legislation to:

a. Permit an institution to earmark funds for a particular student-athlete that are considered earned, but require any unearned funds to be deposited into the general team or institutional fund, consistent with current legislation;

b. Specify that any funds earmarked for a student-athlete may not exceed the cost of the student-athlete's actual and necessary expenses for the particular athletics event;

c. Specify that any funds raised by a student-athlete in excess of actual and necessary expenses, even if earned, must be applied to the general team or institutional fund; and

d. Specify that all funds must be given to the institution to administer rather than given directly to the individual student-athlete.

Under this recommendation, "earned" would be defined as "any money received as a result of volunteering or working a specific function." For example, there are institutions that request involvement of certain groups (e.g., teams, clubs, student groups) to staff concession stands, ticket booths or serve as ushers during athletics or other events. An institution would be permitted to earmark funds for a specific student-athlete based on the number of hours (or some other objective standard typically used) he or she worked, provided the rate or assignment of pay is commensurate with the work performed and consistent for all involved. Further, the opportunity to be involved must be made available to all members of a particular team. In this case, participation in volunteering or working the function would be considered an "earned" activity.

In its discussion about how to define "earned" for earmarking purposes, the committee agreed that expanding the definition to include sales fundraisers, athletically related fundraisers (e.g., swim-a-thons) or direct appeal requests was not appropriate given the stronger connection to potential preferential treatment issues. In these three scenarios, the possibility exists that a student-athlete may raise more funds based solely on the individual's reputation or skill. The committee distinguished these activities from volunteering or working in that the rate or assignment of pay as an objective factor would protect against the use of athletics reputation or skill as a factor of preferential treatment.

<INSERT INFO ON REQUIRED PARTICIPATION>

It is important to note the committee reviewed the NCAA Division III Student-Athlete Advisory Committee's opinion on fundraising issues in its evaluation of the issue. They noted the Student-Athlete Advisory Committee's support of the current rule that does not permit any form of earmarking. However, the Interpretations and Legislation Committee

believes the current rule is too strict and does not provide institutions any flexibility to manage the increasing reality of fundraising as a necessity in a reasonable manner. The committee noted its recommendation is permissive, not required, which means an institution could still operate and manage its fundraising activities under the current standard if they desired. This recommendation would simply permit institutions another option by which to administer their fundraising activities.

3. Adjournment. Dr. Rupert adjourned the teleconference at approximately 3:52 p.m.

# # # # #