REPORT OF THE NCAA DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE

This report contains items that were reviewed and discussed November 5 and December 10, 2008.

ACTION ITEMS.

1. Legislative Action Items.

a. Interpretation – Withdrawal of Legislative Amendment Proposed by the Membership.

(1) Recommendation. Approve the following official interpretation:

Withdrawal of Legislative Amendment Proposed by the Membership (III). The NCAA Division III Interpretations and Legislation Committee determined that for the 2009 NCAA Convention, based on information that appeared in the sponsor modification mailing sent to all sponsors of proposals, properly sponsored amendments submitted by the membership may only be withdrawn by approval of all of the sponsors of the proposal. The committee determined that for years following the 2009 Convention, a properly sponsored amendment must maintain the minimum number of sponsors (at least 20 individual institutional sponsors or two conferences) for the proposal to be voted on by the membership. Additional sponsors may not be added to a proposal after the legislated deadline (September 1). [Reference: NCAA Division III Bylaw 5.3.5.3.1.1 (amendment proposed by membership).]

(2) Effective Date. Immediate.

(3) Rationale. This interpretation addresses a particular concern regarding a proposal for the 2009 Convention in which one of the two sponsoring conferences withdrew its support of the proposal. The committee felt the answer for 2009 must be permissive, given communication that was sent to legislative sponsors; however, the committee also felt that in the future, the minimum number of sponsors must continue to support the proposal in order for it to be voted by the membership.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

b. Interpretation – Determining Whether a Sport is the Same or Different Than a Similar Sport.

(1) Recommendation. Archive an official interpretation (3/11/96, Item No. 2) and approve the following two official interpretations:

a) Baseball and Softball are Separate Sports for Purposes of Amateurism and Outside Competition Legislation (III). The committee determined that baseball and softball are considered separate sports for purposes of amateurism and outside competition legislation. [References: NCAA Division III Bylaws 12.1.1 (amateur status), 12.1.2 (amateur status if professional in another sport), 14.7.1 (outside competition), official interpretation (3/11/96, Item No. 2) and staff interpretation (1/26/94, item a), which have been archived]

b) Evaluating Sports to Determine Whether They are the Same or Different for Purposes of Applying NCAA Legislation (III). The committee determined when assessing whether a sport is the same or different from another sport, for purposes of applying NCAA legislation, the evaluation should include, but not be limited to the following criteria: playing rules, mechanics, skill set, equipment used and any legal precedent on the issue. [References: Bylaws 12.1.1 (amateur status), 12.1.2 (amateur status if professional in another sport) and 14.7.1 (outside competition)]

(2) Effective Date. Immediate.

(3) Rationale. Based on a request from the NCAA Committee on Women's Athletics and the results of recent litigation regarding the sports of baseball and softball, the committee was asked to archive a 3/11/96 official interpretation stating that baseball and softball are the same sport, and to issue an interpretation clarifying the sports are indeed different. As a result of the request, the committee also felt it was beneficial to issue an additional interpretation providing guidance for the future on criteria that can be used when evaluating sports to determine whether they are the same or different sports for purposes of NCAA legislation.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

c. Interpretation – Olympic Team Tryouts and the National Team Exception to the Outside Competition Regulation.

(1) Recommendation. Modify an official interpretation (2/1/07, Item No. 2) to read as follows:

Official National Team Tryouts and the National Team Exception to the Outside Competition Regulation (III). The committee determined that in order for a student-athlete to use the U.S. National Team exception to the outside competition regulations to participate as a member of an outside team in an official national team or junior national team tryout, the official tryout must be one in which athletes are directly selected to a national team or are required to participate in order to qualify for a subsequent event from which participants will be named to a national team or junior national team that will represent their nation in international competition. The exception is applicable to an official tryout that is structured as a series of events in which student-athletes must participate in each event (or at least one event in each level) of the series in order to be selected to the national team. The exception does not apply to events in which athletes are only identified for further evaluation at unrelated events for a future national team. For example, the exception applies to an official tryout in which student-athletes must participate in event A in order to participate in event B (or in one of several events at the event A level in order to participate at the event B level), and participants in event B are selected to the national team that will participate in international competition; however, the exception does not apply to participation in event A if student-athletes are not selected to the national team or if participation in event A (or other events on the same level) is not required for participation in event B. An event still may qualify as an official tryout if the appropriate national governing body has established exemptions from participating in such an event based on objective standards (e.g., former Olympic medalists, current World Champion) by which a student-athlete who qualifies for such an exemption is not required to participate in that particular event (or level of events). [References: Bylaws 14.7.3.1-(d) (exceptions to outside competition regulations - national teams) and 30.8.1 (national team criteria) and official interpretation (2/1/07, Item No. 2) which has been archived]

(2) Effective Date. Immediate.

(3) Rationale. At the request of the NCAA Olympic Sports Liaison Committee, this interpretation modifies a previously approved official

interpretation to specify that in order for a student-athlete to use the U.S. National Team exception to the outside competition regulations to participate as a member of an outside team in an official national team or junior national team tryout, the official tryout must be one in which student-athletes (as opposed to all athletes) are directly selected to a national team or are required to participate in order to qualify for a subsequent event from which participants will be named to a national team or junior national team that will represent their nation in international competition. The previous interpretation did not capture the reality that non-student-athletes are often selected to the U.S. National Team through certain exemptions. In addition, the committee recommends the interpretation be modified to specify an event still may qualify as an official tryout if the appropriate national governing body has established exemptions based on objective standards (e.g., former Olympic medalists, current World Champion) by which a student-athlete who qualifies for such an exemption is not required to participate in that particular event or level of events.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. The modification ensures that elite level student-athletes are able to use the U.S. National Team exception to the outside competition legislation when they are participating in recognized qualifying events.

2. Nonlegislative Action Items.

- Referral of Convention Proposal No. 2009-12.

(1) Recommendation. Remove the proposal from consideration at the 2009 Convention and refer the issue back to various committees for further study and possible refinement for the 2010 Convention. The committee noted it favors maintaining consistency in the end date for fall and spring nontraditional segments, but the end date should be further removed from final examinations.

(2) Rationale. The committee received information that the NCAA Division III Student-Athlete Advisory Committee (SAAC) and the Faculty Athletics Representative Association (FARA) had formally opposed NCAA Division III Proposal No. 2009-12 because of concerns with allowing nontraditional segments to extend until the start of the final examination periods. Similar to SAAC and FARA, the committee feels the ending date for both the fall and spring nontraditional segments should be further evaluated. While the committee appreciates the attempt to align the fall and spring end date philosophy and to allow more institutional autonomy for the nontraditional segment end date, the committee feels that the end date for both nontraditional segments should be further removed from the final examination period.

(3) Estimated Budget Impact. None.

(4) Student-Athlete Impact. Recommended change would end athletics participation earlier in the academic term, which helps student-athletes focus on final examinations.

INFORMATIONAL ITEMS.

1. **Review and Provide Feedback on 2009 Convention Division III Question and Answer Guide.** The committee reviewed and approved the first and final draft versions of the 2009 Convention Division III Question and Answer Guide. The committee recommended minor changes and additions to the document.

2. **Modify Date for The Committee's Second In-Person Meeting for 2009.** The committee changed the date of its second in-person meeting for 2009 from June 10-11, 2009, to September 21-22, 2009. The meeting is to be held in Indianapolis, Indiana. The committee moved the date to allow its focus on topics generated at regional rules seminars and to give further separation between the two in-person meetings (noting the other in-person meeting is scheduled for February 5-6, 2009).

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