REPORT OF THE NCAA DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE

***ACTION ITEMS*.**

1. Legislative Action Items.

a. Noncontroversial legislation - 2010 Convention Proposal- Recruiting and Playing and Practice Seasons – Tryout Exception – Recreational Activity – Exception for Facility Monitoring as Part of Normal Employment Arrangement.

(1) Recommendation. Approve in concept noncontroversial legislation, contingent on the adoption of 2010 Division III Convention Proposal No. 2-2, to eliminate the requirement that the exception would only apply if the observation of the prospective student-athlete occurred while the facility is open to the general public.

(2) Effective Date. Immediate.

(3) Rationale. The intent of 2010 Convention Proposal No. 2-2, is to allow institutions to manage the oversight and safety concerns associated with the use of their facilities without violating NCAA out-of-season regulations and tryout prohibitions. The proposal would allow coaching staff members to exercise supervisory functions over institutional facilities as part of their employment duties and not be in violation of NCAA legislation if, in the course of those duties, they observe enrolled student-athletes or prospective student-athletes engaging in physical activities. With respect to prospective student-athletes, the proposal requires that the facilities be open to the general public at the time of the observation for the observation to be permissible. Many institutions, however, do not grant the general public access to their facilities, but allow prospective students visiting campus to use their facilities. Under this scenario, a coach, who observes a prospective student-athlete using facilities that are not open to the general public but open to prospective students violates the legislation despite making this observation in the course of the coach's monitoring duties. This noncontroversial legislation is necessary to allow institutions that don't grant the general public access to their facilities the same latitude to provide facility monitoring as those institutions that have facilities open to the general public. This noncontroversial legislation would bring 2010 Convention Proposal No. 2-2 more in line with its intended purpose of allowing institutions the discretion to provide appropriate facility monitoring.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

b. Noncontroversial Legislation – Awards, Benefits And Expenses - Expenses Provided By The Institution For Practice And Competition - Departure/Return Expense Restrictions - Exceptions - Travel Following Championships Events.

(1) Recommendation. Approve in concept noncontroversial legislation to specify that return transportation following contests in NCAA championship events, or National Governing Body championships in emerging sports that take place during the institution's official vacation period during the academic year or between regular academic terms, are exempt from the requirement that a student-athlete remain no longer than 36 hours following the conclusion of the competition to receive actual and necessary expenses to return to campus.

(2) Effective Date. Immediate.

(3) Rationale. Current legislation provides an exception to the 48-hour departure restriction for travel prior to contests in NCAA championship events or National Governing Body championships in emerging sports; however, there is no exception for departing the competition site more than 36 hours following the conclusion of a competition. When these events take place during institutional vacation periods and classes are not in session, many student-athletes and their families choose to stay in the locale of the competition for an extended period after the competition. However, under the current rule, if a student-athlete remains at the site more than 36 hours after the conclusion of the competition, the institution is not permitted to pay for that student-athlete's return transportation. Current legislation provides an exception to the 36-hour return restriction for regular-season competition that takes place during the institution's official vacation period during the academic year and between terms. This proposal would bring consistency to the application of the return restriction for regular-season and championship competition that occurs during the institution's vacation period. The same rationale for an exception for regular-season competition would logically apply to championship competition.

(4) Estimated Budget Impact. Potential increase in costs to provide transportation expenses to student-athletes remaining in the locale of competition beyond 36 hours.

(5) Student-Athlete Impact. Increase in ability to receive travel expenses.

c. Noncontroversial Legislation—Eligibility—Criteria for Determining Season of Eligibility – Minimum Amount of Participation – Competition During the Nontraditional Segment – Baseball, Field Hockey, Lacrosse, Soccer, Softball, and Women's Volleyball- Retroactive Effective Date

(1) Recommendation. Approve in concept noncontroversial legislation making Bylaw 14.2.4.1.1(b), which was adopted at the 2009 Convention, effective retroactively to August 1, 2005.

(2) Effective Date. Retroactive to August 1, 2005.

(3) Rationale. By passing 2009 Convention Proposal No. 6, the membership determined that student-athletes should be allowed to participate in the one date of competition during the nontraditional segment in the sports of baseball, field hockey, lacrosse, soccer, softball, and women's volleyball without using a season of participation. However, the effective date of this proposal was August 1, 2009. This means that a student-athlete that participated in the one date of competition during the spring 2009 nontraditional segment would use a season of participation while the student-athlete that participated in the one date of competition during the fall 2009 nontraditional segment would not be charged a season of participation. The committee determined that this result was not equitable, and that all student-athletes should have the benefit allowed by 2009 Convention Proposal No. 6, as accomplished by this proposal.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. Student-athletes that used a season of participation between August 1, 2005, and August 1, 2009, by only participating in the one date of competition during the nontraditional segment would have that season restored.

d. 2011 Convention Proposal - Recruiting – Recruiting Materials – Advertisements and Promotions - Nonathletics Institutional Advertisements.

(1) Recommendation. Sponsor legislation for the 2011 Convention that would allow institutions to publish or produce nonathletics institutional promotional materials for use at high school or two-year college athletics events.

(2) Effective Date. August 1, 2011.

(3) Rationale. The proposal would permit Division III institutions to solicit potential students through nonathletics messages at high school or two-year college athletics events attended by a large number of prospective students and their parents. This proposal will align and create equity of Division III institutions with Division I and II institutions that are currently permitted to recruit students at high school or two-year college athletics events through advertisements and promotional materials.

(4) Estimated Budget Impact. Potential increase in advertising expenditures, and the potential benefit of increased enrollment as a result of the advertising.

(5) Student-Athlete Impact. None.

e. Approval of Official Interpretation - Discounts for Camps or Clinics

(1) Recommendation. Approve the following Official Interpretation:

"Discounts for Camps or Clinics (I/II/III). The Management Council determined that an institution may offer discounted admissions to its camps and clinics based on objective criteria unrelated to athletics abilities (e.g., registration prior to a specific date, online registration, attendance at multiple sessions), provided such discounts are published and available on an equal basis to all who qualify.

[References: NCAA Division I Bylaws 13.12.1.5 (employment of prospective student-athletes/no free or reduced admission privileges), and 13.12.1.5.1 (general rule); Division II Bylaws 13.12.1.5 (employment of prospective student-athletes/no free or reduced admission privileges) and 13.12.1.5.1 (prospective student-athlete); Division III Bylaw 13.12.1.4 (prospective student-athletes/no free or reduced admission privileges); staff interpretation (10/29/03, Item Ref: 3); and staff interpretation (6/2/89, Item Ref: h)]"

(2) Effective Date. Immediate.

(3) Rationale. This interpretation is currently a staff interpretation that Divisions I and II have elevated to an official interpretation. It is appropriate to elevate this staff interpretation to an official interpretation to be consistent with Divisions I and II.

(4) Estimated Budget Impact. The budgetary impact is contingent upon the extent institutions incorporate admissions discounts into camp and clinic operating policies.

(5) Student-Athlete Impact. None.

f. **Incorporation of Official Interpretation into the Division III Manual – Printed Promotional Materials for Conference or NCAA Championships.**

(1) Recommendation. Incorporate into the Division III Manual the following official interpretation:

"Printed Promotional Materials for Conference or NCAA Championships (III). The Division III Interpretations and Legislation Committee (ILC) determined that a member institution or conference that is hosting any portion of a Division III conference or NCAA championship may send printed materials promoting the championship event (e.g., ticket application or promotional brochures, flyers or posters) to a high school or two-year college coach or administrator, but not to specific prospective student-athletes, provided:

(a) The printed material includes only information relevant to the championship event;
(b) The printed material is available to the general public, including all high schools in the local area; and
(c) The printed material contains no information related to the institution's athletics program.

The committee noted that under such circumstances, such an item would not be considered a recruiting item. [Reference: Bylaw 13.4.1 (recruiting materials) and an Official interpretation: [Reference: 1/30/03, Item No. 16-a], which has been archived."

(2) Effective Date. Immediate.

(3) Rationale. For purposes of educating the membership and giving the membership sufficient notice of promotional opportunities, this interpretation should be incorporated into the manual.

(4) Estimated Budget Impact. Because this is already an interpretation, the membership will not occur any additional budgetary consequences as a result of incorporating it into the manual. The interpretation itself allows for additional promotional opportunities which if pursued would result in a budget impact.

(5) Student-Athlete Impact. None.

2. **Nonlegislative Action Item**.

- **Referral to the Committee on Student-Athlete Reinstatement for comment regarding Major Junior A ice hockey**.

(1) Recommendation. That Management Council charge the Committee on Student-Athlete Reinstatement to review reinstatement guidelines, bylaws and cases regarding Major Junior A hockey, and provide comment back to ILC regarding whether the current legislation is reasonable, equitable and relevant.

(2) Effective date. Immediate.

(3) Rationale. The committee reviewed amateurism and eligibility bylaws relative to Major Junior A hockey and requests comment from the Committee on Student-Athlete Reinstatement regarding any reinstatement concerns involving cases of Major Junior A ice hockey participation. Specifically, the committee is concerned with how Major Junior A ice hockey cases compare with cases involving participation in other comparable international ice hockey leagues. The committee questions whether the current legislation that is specific to Major Junior A ice hockey remains relevant.

(4) Estimated budget Impact. None.

(5) Student-Athlete Impact. None

***INFORMATIONAL ITEMS*.**

1. Review of Editorial Revisions from February through August 2009. The committee reviewed all Division III Editorial Revisions issued by staff between February 1, 2009, and August 31, 2009, and did not recommend any changes.

2. **Update and reissue of Social Networking Education Column.** The committee reviewed the Social Networking Education Column dated March 4, 2009, which was issued prior to the passage of NC 2010-11 creating a limited exception for correspondence of a general nature issued via text messaging or a social networking site. The committee directed staff to update the Education Column to account for the new exception and reissue the column.

3. **Proposed presidential grouping for 2010 Convention Proposals.** The committee reviewed the nine proposals to be considered at the 2010 Convention and recommended that four of the proposals warrant categorization in the Presidents Council grouping. Those four proposals and the reasoning provided by the committee are:

   (a) No. 2-1 (Tryout deregulation) because there was a belief that significant deregulation regarding any issue warrants greater presidential involvement;
   (b) No. 2-2 (Facility Monitoring) because it has the potential for significant employment and monetary implications;
   (c) No. 2-5 (Disciplinary suspension-two year non-participation exception) because it potentially has significant student-athlete well being implications; and
   (d) No. 2-9 (Philosophy statement – presidential involvement) because it directly implicates the responsibility of institutional presidential leadership.

4. **Review of 2010 Convention Proposal No. 2-5 Eligibility – Transfer Regulations – Residence Requirement – Disciplinary Suspension – Exception.** Pursuant to direction from the Management Council, the committee reviewed 2010 Convention Proposal No. 2-5 and provided the following position. The committee supported this membership-sponsored proposal which would allow a student-athlete who has been suspended from an institution for disciplinary reasons to use the two year non-participation exception (if applicable) to the year in residence requirement upon transfer. The committee indicated that the current rule is inequitable, not consistent with the Division III Philosophy and is not enforced uniformly. Specifically, the current rule treats differently a student-athlete that has received a disciplinary suspension, with one that has been academically suspended. The committee believes that bylaws should address the two situations similarly. The committee further recognized that the philosophy of the NCAA and Division III is that athletics is an integral part of a student's education and it is inconsistent to provide an excessive penalty to a student-athlete that was previously suspended by withholding opportunities that would benefit the growth of the individual. Finally, the committee recognized that disciplinary suspensions are neither uniform, nor uniformly disclosed making implementation of the current rule difficult. For example, what may get a student-athlete suspended from one school may not get that same student-athlete suspended from another school. Furthermore, institutions often won't disclose on a transfer form that the student-athlete was suspended for

disciplinary reasons, resulting in the rule not being implemented. For these reasons, the committee believes institutions should have the discretion to determine the proper course of action for a particular student-athlete and use the two year nonparticipation exception if applicable.

5. **Editorial Revision- Amateurism.** The committee instructed staff to issue an editorial revision of Bylaw 12 amateurism regulations in the format presented to the committee. The revision reorganized the bylaw into three major categories: (1) amateurism guidelines- prior to collegiate enrollment; (2) amateurism guidelines- delayed collegiate enrollment; (3) amateurism guidelines – after collegiate enrollment. The committee also reviewed and approved incorporation into the manual a chart summarizing the amateurism legislation.

6. **Amateurism Education Columns.** The committee approved two education columns addressing Major Junior A ice hockey and the organized competition legislation with respect to delayed enrollment.

7. **Review of Fundraising Legislation.** The committee reviewed the legislation regarding fundraising and discussed the merits of the current legislation as it applies to student-athletes and earmarking of funds. The committee directed staff to research and report back to the committee the potential implications of a proposal that would require that any donations received by the student-athlete would have to benefit the team as a whole, but any funds earned by the student-athlete could be earmarked for that student-athlete.

8. **Review of Division I and II Official interpretations.** The committee reviewed Division I and Division II official interpretations issued between February 1, 2009, and August 31, 2009, for consideration for Division III. The committee instructed staff to inquire about the rationale set forth in Division II Official Interpretation, Advertising of intercollegiate contests held in conjunction with high school contests, dated July 29, 2009, to determine why Division II did not allow the publication of team photographs as part of the events at issue.

9. **Review of Division I and II Legislative Actions.** The committee reviewed Division I and Division II Legislative Actions adopted between February 1, 2009, and August 31, 2009, and directed staff as follows: (a) present a proposal at the next meeting that combines both the Division III rule regarding gift cards and the concept set forth in Division I Proposal 2008-13-B which allows student-athletes, while out of season, to receive prize money that does not exceed actual and necessary expenses; and (b) to issue an editorial revision similar to Division II ER – 2009-15 that clarifies when a student-athlete can receive expenses for returning from a professional tryout.

10. **Contact restrictions at competition and practice sites.** The committee instructed staff to draft an interpretation for committee consideration, clarifying that the contact restrictions regarding the day or days of competition do not apply if the competition/practice is not on the institution's campus but the student-athlete comes to the institution's campus.

11. **Review of travel expenses triggering a season of participation.** The committee stated that this issue does not rise to the level requiring an official interpretation, but would support a staff interpretation clarifying that the receipt of travel expenses alone does not trigger the uses of a season of participation.

12. **Review of Legislation for Development of Convention Question and Answer Document.** The committee began its annual work of reviewing legislative proposals to begin developing a list of questions and answers for the Convention question and answer document.

13. **Division III Strategic Plan.** The committee reviewed the Division III strategic plan.

Committee Chair: Terry Rupert, Wilmington College (Ohio)
Staff Liaisons: Amy Huchthausen, Academic and Membership Affairs
Jeff Myers, Academic and Membership Affairs