MINUTES OF THE

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE

Teleconference March 25, 2009

Participants:

Mark Dienhart, University of St. Thomas (Minnesota)
Julie Muller, North Atlantic Conference
Kent Reeves, East Texas Baptist University
Lori Runksmeier, New England College
Terry Rupert, Wilmington College (Ohio), chair
Phil Tonucci, Bowdoin College
Jay Jones, NCAA, recording secretary
Jeff Myers, NCAA

Dan Fulks, Transylvania University and Portia Lowe, Lake Forest 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 3:04 p.m. Wednesday, March 25 by the chair, Dr. Rupert. All members were present as noted above.

1. Deregulation of Tryout Exceptions. The committee discussed the impact of the passage of NCAA Division III Proposal Nos. 2009-10 and -11 and how those proposals further refined the Division III tryout legislation. The committee also noted that despite these two proposals, it remains the case that the majority of the tryout exceptions are largely a product of prefederation legislation that may or may not speak to the current needs of Division III institutions and that the institutions often struggle in applying the current legislation on their campuses.

   It was VOTED

   "To recommend that the NCAA Division III Management Council sponsor legislation for the 2010 NCAA Convention to deregulate the tryout legislation in order to clarify that a

traditional tryout in which prospective student-athletes demonstrate their athletic abilities at a coach's direction, coaching AAU basketball, combine events and varsity competition against high school or preparatory school teams remain impermissible while the list of other tryout exceptions would be less prescriptive. This deregulation effort would clarify the application of the tryout legislation by simplifying the list of tryout exceptions and instead focusing more emphasis on the four types of tryout activities that are not permissible. Namely, the proposal emphasizes the continued prohibition on a traditional tryout in which prospective student-athletes demonstrate their athletic abilities at a coach's direction, coaching AAU basketball, combine events and varsity competition against high school or preparatory school teams would remain impermissible. Other types of events that currently must meet prescriptive guidelines under the list of exceptions would be deregulated to allow more institutional autonomy within the operation of the events. The proposal would also modify the local sports club exception such that the 50-mile radius limitation would be eliminated from that exception. The immediate effective date would allow institutions to begin applying the simplified legislation now."

2. Approval and Incorporation of Official Interpretation – Contact With Parents at Site of Prospective Student-Athlete's Practice or Competition. The committee discussed a staff interpretation [Reference: 1/26/1994, Item No. c], and the frequency of questions being asked by Division III institutions related to the interpretation. The committee felt the elevation of the interpretation to the official level and its incorporation into the NCAA Division III Manual would be beneficial and provide clarification of the issue to the Division III membership.

It was VOTED

"That the Management Council approve and incorporate an official interpretation as follows:

"Contact With Parents at Site of Prospective Student-Athlete's Practice or Competition (III). The NCAA Division III Interpretations and Legislation Committee confirmed that a permissible recruiter may have recruiting contact with the relatives or guardian(s) of a contactable prospective student-athlete at the site of the prospective student-athlete's practice or competition, including during the conduct of a competition." [References: NCAA Division III Bylaws 13.1.1 (contactable prospective student-athletes) and 13.1.4.2 (practice or competition site) and staff interpretation (1/26/1994, Item No. c)]

3. Relocation of Bylaw 30 (Administrative Regulations) Legislation Within the Division III Manual. The committee gave approval for the staff to editorially relocate each piece of the legislation within Bylaw 30 to other areas within the Manual. Bylaw 30 consists of "administrative regulations" which were a prefederation tool used to enact legislation on a more expedited timeframe. The use of other types of legislation within Division III now renders the use of "administrative regulations" unnecessary and the legislation contained within Bylaw 30 more naturally fits within other sections of the Manual. The committee noted that this relocation should make it easier for the users of the Manual to locate the legislation that is currently found in Bylaw 30 by moving it to its more appropriate topical areas within the Manual structure. The staff noted that similar revisions are being made within the Manuals for all three divisions.

4. Review the Use of Public Groups Within Social Networking Sites. At the request of a Division III conference office, the committee reviewed the use of public groups within social networking sites in order to determine if these groups were permissible within the recruiting legislation related to electronic communication with prospective student-athletes. The committee agreed that social networking of any type that has an athletics nexus or athletics information and engagement with prospective student-athletes is not permissible. Therefore, institutionally administered public groups with an athletics focus in which prospective student-athletes are allowed to be members are not permissible. In its decision, the committee noted the intent of the legislation regarding the prohibition on social networking sites and other forms of electronic interaction with prospective student-athletes. In addition, the committee agreed that a disclaimer statement restricting the group to nonprospective aged individuals would not satisfy the legislation, noting that the controls within social networking sites allow for an administrator to control the members to groups, and such a disclaimer on the back end of the group's creation would not avoid a violation of the legislation. The committee noted the staff produced an educational column dated March 4, 2009, which clearly demonstrated the application of the legislation. As a result of the issuance of the educational column, the committee did not feel any further interpretation or communication was necessary at this time.

Dr. Rupert adjourned the teleconference at 4:02 p.m.

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