A G E N D A

National Collegiate Athletic Association

Division III Interpretations and Legislation Committee

NCAA national office
Indianapolis, Indiana

September 23-24, 2010

1. Welcome and announcements.

2. NCAA Division III Interpretations and Legislation Committee roster. [Supplement No. 1]

3. Update on governance issues. [Supplement No. 2]

4. Review recently issued staff interpretations (February – August 2010). [Supplement No. 3]

5. Review recent NCAA Division III official interpretations for possible incorporation (February – August 2010). [Supplement No. 4]

6. Review recent NCAA Divisions I and II official interpretations (February – August 2010). [Supplement No. 5]

7. Review recent Divisions I and II legislative actions (February – August 2010). [Supplement No. 6]

8. Review recent Division III editorial revisions (February – August 2010). [Supplement No. 7]

9. Review recent Division III educational columns (February – August 2010). [Supplement No. 8]

10. Review 2011 NCAA Convention Division III legislation.

    a. Review of 2011 Convention proposals for development of 2011 Convention question and answer document. [Supplement No. 9]

    b. Review of assigned 2011 Convention proposals from NCAA Division III Management Council. [Supplement No. 10]

    c. Review possible grouping of proposals for 2011 Convention. [Supplement No. 11]

11. Update on previous issues.

    a. Application of hardship waiver legislation to transfers. [Supplement No. 12]

    b. Major Junior A ice hockey.

12. Consider Division III interpretive issues:

    a. Review interpretive appeal from member institution – financial aid. [Supplement No. 13]

    b. Review Management Council referral regarding recruitment activities during camps and clinics. [Supplement No. 14]

    c. Review legislation regarding permissible recruitment activities for enrolled student-athletes. [Supplement No. 15]

    d. Review legislation regarding activities involving prospective student-athletes (e.g., showcases, leagues, all-star contests). [Supplement No. 16]

    e. Review legislation applicable to transfers from institutions that do not sponsor athletics or the student-athlete's sport(s). [Supplement No. 17]

    f. Review wording of legislation applicable to transfers. [Supplement No. 18]

    g. Review legislation regarding pregame meals. [Supplement No. 19]

13. Review schedule for future meetings and teleconferences.

    a. In-person meetings.

        (1) February 10-11, 2011, Indianapolis, Indiana.

        (2) September 22-23, 2011, Indianapolis, Indiana.

    b. Teleconferences.

        (1) 2 p.m. Eastern, Wednesday, October 20.

        (2) 2 p.m. Eastern, Wednesday, November 17.

        (3) 2 p.m. Eastern, Wednesday, December 15.

14. Other business.

15. Adjournment.

MINUTES OF THE

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE

September 23-24, 2010

Participants:

Dr. Mark Dienhart, University of St. Thomas (Minnesota)
Amy Friedman, Colonial States Athletic Conference
Dan Fulks, Transylvania University
John Meany, Worcester State College
Julie Muller, North Atlantic Conference
Lori Runksmeier, New England College, chair
Amy Huchthausen, NCAA, recording secretary
Jeff Myers, NCAA
Kristin Nesbitt, NCAA

Darryl Sims, University of Wisconsin, Oshkosh, and Phil Tonucci, Bowdoin College, were unable to participate. Bryan Blair, Leah Kareti, Juliette Kenny and Jean Orr, NCAA, attended portions of the meeting.

[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 meeting was called to order at approximately 9 a.m. Eastern time Thursday, September 23, by the chair, Ms. Runksmeier. All members were present as noted above.

1. Welcome and Announcements. Ms. Runksmeier welcomed the Interpretations and Legislation Committee and staff to Indianapolis and noted Mr. Dienhart who joined via teleconference.

2. Update on Governance Issues. The governance staff provided an update on the five areas of the division's strategic plan including the identity initiative, presidential leadership, gender and diversity, drug education and testing and the academic reporting pilot.

3. Review of Recently Issued Staff Interpretations. The committee reviewed staff interpretations issued from February through August 2010 and took no additional action.

4. Review of Recent NCAA Division III Official Interpretations for Possible Incorporation. The committee reviewed Division III official interpretations issued from February through August 2010 and took the following action:

It was VOTED

"To recommend the NCAA Division III Management Council incorporate an official interpretation (Reference: 3/25/10, Item No. 6)."

Additionally, the committee noted it would be helpful to combine the facility monitoring interpretation with both the interpretation regarding observation of prospective student-athletes and the interpretation regarding observation of enrolled student-athletes. The committee agreed that since the issues were connected, it would be easier for the membership to understand the issues if combined into a single interpretation addressing prospective student-athletes and a single interpretation addressing enrolled student-athletes.

It was VOTED

"To recommend the Management Council combine an official interpretation (3/25/10, Item No. 3) regarding facility monitoring as part of a normal employment arrangement with an official interpretation (3/25/10, Item No. 1) about observation of prospective student-athletes in recreational activities and an official interpretation (3/25/10, Item No. 2) about observation of enrolled student-athletes in nonorganized sport-specific activities into two new official interpretations as follows:

a. Facility Monitoring and Observation of Prospective Student-Athletes in Recreational Activities. The NCAA Division III Management Council confirmed that for purposes of the tryout exception that permits coaching staff members to observe prospective student-athletes engaging in recreational activities, such observation shall only be permissible provided the facilities are available to all visiting prospective students generally. Further, the Management Council confirmed the following for a coach who is monitoring the facility as part of his or her normal employment arrangement:

(1) A coach may have interaction with the prospective student-athlete that is necessary to stop a dangerous or unsafe activity; however, a coach is not

permitted to instruct the prospective student-athlete as to how to properly perform the activity;

(2) The coach's job duties for facility monitoring must be properly documented in a manner consistent with all employees of the institution; and

(3) The coach's job duties for facility monitoring must be specifically noted, as opposed to a broad provision such as "other duties as assigned," and observation of prospective student-athletes is only permitted if it occurs in the specific facilities for which the coach has designated monitoring duties.

[References: NCAA Division III Bylaw 13.11.2.1.1 (permissible observation of recreational activities) and official interpretations (3/25/10, Item No. 1 and 3/25/10, Item No. 3) which have been archived]

b. Facility Monitoring and Observation of Enrolled Student-Athletes in Nonorganized Sport-Specific Activities. The NCAA Division III Management Council confirmed that for purposes of the athletically related activities exception that permits coaching staff members to observe enrolled student-athletes engaging in nonorganized sport-specific activities (e.g., open gym), such observation shall only be permissible provided the facilities are open to the general student body, as opposed to a group of students that may include student-athletes. Further, Management Council confirmed the following for a coach who is monitoring the facility as part of his or her normal employment arrangement:

(1) A coach may have interaction with the enrolled student-athlete that is necessary to stop a dangerous or unsafe activity; however, a coach is not permitted to instruct the enrolled student-athlete as to how to properly perform the activity;

(2) The coach's job duties for facility monitoring must be properly documented in a manner consistent with all employees of the institution; and

(3) The coach's job duties for facility monitoring must be specifically noted, as opposed to a broad provision such as "other duties as assigned," and observation of enrolled student-athletes is only permitted if it occurs in the specific facilities for which the coach has designated monitoring duties.

[References: Division III Bylaw 17.02.1.1.1 (athletically related activities – exception) and official interpretations (3/25/10, Item No. 2 and 3/25/10, Item No. 3) which have been archived]

5. Review of Recent NCAA Divisions I and II Official Interpretations. The committee reviewed NCAA Divisions I and II official interpretations and took the following action:

It was VOTED

"To request the staff issue an interpretation based on the Division II official interpretation (2/8/10, Item No. 7-b).

6. Review of Recent Divisions I and II Legislative Actions. The committee reviewed legislation adopted in Divisions I and II from February through August 2010 and took the following action:

a. Division I Proposal No. 2009-22. The committee agreed to examine current legislation governing organized competition prior to initial, full-time enrollment in light of changes in both Divisions I and II (Division II Proposal No. 2010-11) at its February 2011 meeting.

b. Division I Proposal No. 2009-29. The committee reviewed this proposal in comparison to existing Division III legislation.

It was VOTED

"To recommend the Management Council sponsor noncontroversial legislation to modify the deadlines by which an institution must respond to a student-athlete's request to permit another institution to contact him or her about transferring to require the institution to grant or deny a request within seven business days of receipt of the request; further, to specify that if the request is denied, the institution shall conduct a hearing and provide written results within 15 business days of receipt of the student-athlete's written request and that the student-athlete shall be provided the opportunity to appear in-person or via telephone and actively participate in the hearing; further, to specify that if the institution fails to respond to the student-athlete's written request or fails to conduct a hearing or provide written results within the specified time period, permission to contact shall be granted by default and the institution shall provide the written permission to the student-athlete."

c. Division I Proposal No. 2009-61. The committee reviewed this proposal and Division II Proposal No. NC-2011-29 regarding a waiver of full-time enrollment for former student-athletes to practice at another institution in individual sports and women's rowing. The committee agreed to examine this issue at its February 2011 meeting.

d. Division I Proposal No. 2009-82. The committee reviewed this proposal regarding the limit on the number of student-athletes on an outside team in women's rowing.

It was VOTED

"To recommend the Management Council sponsor noncontroversial legislation to specify that the number of student-athletes from any one institution who may participate in international competition as a member of an outside team on a foreign tour shall not exceed four."

e. Division II Proposal No. NC-2011-14. The committee reviewed this proposal regarding noncompliance with membership requirements and the enforcement process.

It was VOTED

"To refer this proposal to the NCAA Division III Membership Committee for further examination."

f. Division II Proposal No. NC-2011-19. The committee reviewed this proposal that permits an institution to provide actual and necessary expenses for a student-athlete and his or her relative(s) or legal guardian(s) to travel to a banquet to receive an established regional, national or international award.

It was VOTED

"To recommend the Management Council sponsor 2012 Convention legislation to permit an institution to provide actual and necessary expenses for a student-athlete and his or her relative(s) or legal guardian(s) to travel to a banquet designed to recognize the student-athlete's accomplishments as an athlete for the student-athlete to receive an established regional, national or international award that is permitted by NCAA legislation."

7. Review of Recent Division III Educational Columns. The committee reviewed educational columns issued from February through August 2010 and took no additional action.

8. Review of 2011 Convention Proposals for Development of 2011 Convention Question and Answer Document. The committee reviewed the 2011 Convention proposals and provided staff several points and questions to include in the question and answer document. The staff will prepare the document and present a draft to the committee during its October conference call.

9. Review of Assigned 2011 Convention Proposals from Management Council. The committee reviewed two proposals assigned for review by the Management Council and took the following positions:

   a. Proposal No. 2-4. The committee supported this proposal noting that it provides increased institutional autonomy to manage fundraising activities within reasonable parameters to prevent abuse.

   b. Proposal No. 2-9. The committee took no position on this proposal. Additionally, the committee took the following action:

      It was VOTED

      "To recommend the Management Council sponsor an amendment-to-amendment to Proposal No. 2-9 to permit certified strength and conditioning personnel to conduct voluntary workouts for all student-athletes only if the service is available to all students in general."

      Further, it was VOTED

      "To recommend the Management Council sponsor an amendment-to-amendment to Proposal No. 2-9 to permit certified strength and conditioning personnel to conduct voluntary workouts for all student-athletes only during the institution's regular academic year."

10. Review Possible Grouping of Proposals for 2011 Convention. The committee reviewed an initial proposed grouping of proposals for the 2011 Convention.

It was VOTED

"To recommend the Management Council approve the following grouping and order of proposals for the 2011 Convention:

Presidential Grouping:

(1) Proposal No. 2-3;

(2) Proposal No. 2-2;

(3) Proposal No. 2-1;

(4) Proposal No. 2-7;

(5) Proposal No. 2-4; and

(6) Proposal No. 2-11.

General Grouping:

(7) Proposal No. 2-8;

(8) Proposal No. 2-9;

(9) Proposal No. 2-10;

(10) Proposal No. 2-13;

(11) Proposal No. 2-12;

(12) Proposal No. 2-6; and

(13) Proposal No. 2-5.

Furthermore, the committee discussed voting methods noting that roll-call voting is only required for proposals in the presidential grouping. While a mechanism exists for the membership to consider changing the voting method on the Convention floor, the committee agreed that since the electronic voting units and technology permit the recording of all votes in an expeditious manner, the committee agreed that votes for all proposals (presidential and general grouping) should be taken using the roll call method as it provides transparency for the membership.

It was VOTED

"To recommend the Management Council designate votes for all proposals at the 2011 Convention be taken using the roll call method."

11. Update on Application of Hardship Waiver Legislation to Transfers. The committee received an update on the application of hardship waiver legislation to transfers noting that the Management Council took no action at its July meeting, thereby leaving the current official interpretation (9/17/97, Item No. 3) in place. The committee discussed this issue in greater detail and agreed to refer it to the NCAA Division III Student-Athlete Advisory Committee in order to gain student-athlete input.

It was VOTED

"To refer to the Student-Athlete Advisory Committee the issues regarding the application of hardship waiver legislation to transfers."

12. Update on Major Junior A Ice Hockey. The committee was informed that the NCAA Division III Committee on Student-Athlete Reinstatement is currently surveying coaches and gathering other feedback on this issue and will discuss further at a future meeting.

13. Review Interpretive Appeal from Member Institution – Financial Aid. The committee reviewed an interpretive appeal from a member institution regarding a financial aid issue. The committee agreed with the staff's position that the institution's endowed scholarship was contrary to the legislation and an official interpretation (3/24/08, Item No. 6) which clearly addresses the issue.

14. Review Management Council Referral Regarding Recruitment Activities During Camps and Clinics. The committee discussed the issue of recruitment activities during camps and clinics that was referred to it by the Management Council. The committee noted the Management Council's position that the reason many prospective-aged individuals attend institutional camps is to learn about the athletics program at that institution, which served as the basis for their request for the committee to reconsider the official interpretation (5/10/10, Item No. 3) that prohibits the practice. The committee noted the issue had also been referred to the Student-Athlete Advisory Committee and, therefore, agreed to hold on further discussion until receiving that committee's input.

15. Review Legislation Regarding Permissible Recruitment Activities for Enrolled Student-Athletes. The committee considered whether enrolled student-athletes should be permitted to e-mail prospective student-athletes for recruitment purposes. Current legislation permits enrolled student-athletes to participate in the recruitment process in Bylaw 13.02.4.1 (permissible recruitment activities for enrolled student-athletes) through telephone calls, official visits and unofficial visits. The committee noted that coaches are permitted to e-mail prospective student-athletes and that it generally seemed reasonable to extend this method of communication to enrolled student-athletes as well. The committee agreed, however, it was important to have the student-athlete perspective on this issue and referred it to the Student-Athlete Advisory Committee for feedback. Specifically, the committee is interested in the Student-Athlete Advisory Committee's input on whether e-mail is more or less intrusive than text messaging and general feedback on any differences between the two forms of communication in light of advancements in technology and accessibility.

It was VOTED

"To refer to the Student-Athlete Advisory Committee the issue of whether enrolled student-athletes should be permitted to e-mail prospective student-athletes for recruitment purposes."

16. Review Legislation Regarding Activities Involving Prospective Student-Athletes. The committee reviewed three issues regarding activities involving prospective student-athletes as follows:

a. Showcases. The committee reviewed current legislation regarding showcases which typically fall into the category of a prohibited tryout event since they usually are camps, clinics or combines devoted to agility, flexibility, speed or strength tests for prospective student-athletes. The proliferation of these events has generated several questions throughout the membership as evidenced by those raised during the 2010 NCAA Regional Rules Seminars. The committee agreed that additional education is necessary to assist in helping the membership better understand how the rules apply to these events with an emphasis on identifying what coaches are permitted to do regarding showcases.

b. Institutional Sponsorship of Sports Leagues. The committee reviewed current legislation as a result of the adoption of Proposal No. 2010-3 which deregulated the tryout rules. Specifically, the committee noted an institution is now permitted to sponsor leagues in which prospective student-athletes compete, but it may not

sponsor a particular sports club, as this restriction was unchanged in the deregulation. The committee agreed with this application noting that the prohibition on sponsorship of club teams should be maintained since representation of an institution is implied in such a sponsorship. Institutional sponsorship of a league, however, does not present the same representation issues and, therefore, should continue to be permitted consistent with the proposal's intent.

c. High School All-Star Contests. The committee reviewed the impact of the tryout deregulation on high school all-star contests which were not addressed in Proposal No. 2010-3. The committee noted that regulations regarding all-star contests are somewhat at odds with the recent legislation that has allowed an institution greater flexibility to conduct other events involving prospective student-athletes on campus. Currently, coaches and athletics staff are prohibited from serving in any capacity (e.g., coach, official, player selection, operational or administrative duties) for or during high school all-star contests, even operating the scoreboard. This is in contrast with the new tryout rules which permit institutional coaches to serve as coaches and administrators for sport clubs teams that include prospective student-athletes regardless of where the club team is located. Furthermore, coaches involved with club teams may be involved in player evaluation and selection for members of the club team. In addition, coaches and athletics staff may invite high school or club teams to participate in scholastic and nonscholastic competition on its campus, even on an invitational-only basis. The committee agreed that some flexibility was warranted for a coach's involvement in a high school all-star contest on its campus.

It was VOTED

"To recommend the Management Council sponsor noncontroversial legislation to permit a coach to serve in administrative or operational capacities (e.g., ticket administration, concessions, scoreboard operator) for a high school all-star event on its campus, but to prohibit a coach's involvement in coaching, officiating or player selection."

17. Review Legislation Applicable to Transfers from Institutions That Do Not Sponsor Athletics or The Student-Athlete's Sport(s). The committee reviewed the issue of whether Division III should consider legislating an exception to the transfer regulations for situations involving nonsponsored sports. It was noted the impact of not having a discontinued/nonsponsored sport exception with the same parameters as Divisions I and II has no detrimental impact on Division III student-athletes since the existing exception

provides the same relief to student-athletes with the same transfer history. The committee noted, however, a student-athlete in this situation has no legislative recourse simply because his or her previous institution did not sponsor his or her sport whereas if he or she had transferred from an institution that did sponsor his or her sport, the existing exceptions would apply. After reviewing Bylaw 14.5.4.1-(c) which provides two opportunities for a 4-2-4 transfer to be immediately eligible at the certifying institution, the committee agreed that similar flexibility should be afforded a 4-4-4 transfer.

It was VOTED

"To recommend the Management Council sponsor legislation for the 2012 Convention to modify the four-year transfer exception to permit a student-athlete to be immediately eligible at the certifying institution if the student transfers from a four-year collegiate institution that did not sponsor the student-athlete's sport. The student-athlete must have successfully completed at least 24 semester or 36 quarter hours of transferable-degree credit and spent at least two full-time semesters or three full-time quarters of attendance at the previous institution."

18. Review Wording of Legislation Applicable to Transfers. The committee reviewed information regarding transfer legislation, specifically the point at which the analysis should take place to determine whether a student-athlete "would have been academically and athletically eligible had he or she remained" at the previous four-year institution. The committee noted the legislative history of Proposal No. 1997-72, which specified that a student-athlete must also be athletically eligible at the previous institution in order to use the transfer exception. In the proposal's statement of intent, the NCAA Division III Steering Committee and Academic Requirements Committee and the NCAA Division III Subcommittee of the Presidents Commission explained the proposal's purpose of permitting a transfer student-athlete to be immediately eligible "only if the student-athlete was academically and athletically eligible for competition at his or her previous institution at the time the student-athlete transferred from that institution." Therefore, the committee confirmed that the point in time at which the question should be answered is when a student-athlete triggers transfer status per Bylaw 14.5.2 (conditions affecting transfer status).

It was VOTED

"To recommend Management Council approve a modification of wording to Bylaws 14.5.4.1-(c) and14.5.5.1.1-(b) to clarify that a student-athlete's eligibility is determined by whether the student-athlete was academically and athletically eligible for competition

at his or her previous institution at the time the student-athlete transferred from the previous institution (see Bylaw 14.5.2)."

19. Review Legislation Regarding Pregame Meals. The committee considered whether it is permissible for an institution to provide pregame meals to student-athletes as a meal incidental to participation. The committee considered the legislative history of Proposal No. 2000-73 that focused on benefits in Bylaws 16.3 (academic and other support services) and 16.5 (housing and meals) with the primary intent to ensure that student-athletes were not treated differently than students in general. Therefore, this proposal eliminated various provisions that permitted certain benefits in academic support services, housing and meals to student-athletes that were not otherwise available to students in general with few exceptions. Under this proposal, the provision regarding meals incidental to participation [Bylaw 16.5.1-(d)] was eliminated. The committee also noted an official interpretation (4/27/99, Item No. 1) that remains active and permits an institution to provide one pregame meal. Consequently, the committee agreed pregame meals were not intended to be eliminated with Proposal No. 2000-73. While the provision regarding meals to incidental to participation was eliminated, it was primarily focused on the references to athletics scholarships in the legislation which are not permitted in Division III. The critical student-athlete well-being function served with meals on the day of competition causes them to be a necessary permissible benefit.

It was VOTED

"To recommend the Management Council archive the official interpretation (4/27/99, Item No. 1) and approve the following official interpretation:

Meals in Conjunction with Home Competition. The Interpretations and Legislation Committee confirmed that it is permissible for an institution to provide meals to student-athletes at the institution's discretion on the day(s) of competition until the student-athletes are released by institutional personnel. An institution shall not provide cash in lieu of a meal during this time period. An institution, at its discretion, may provide a meal or cash (but not both) to student-athletes at the time of their release by institutional personnel."

[References: NCAA Division III Bylaw 16.5.1 (housing and meals – exceptions) and an official interpretation (4/27/99, Item Ref. 1) which has been archived]

20. Request From Championships Committee Regarding Automatic Qualification Issue. The committee reviewed a request from the NCAA Division III Championships Committee to

issue an interpretation clarifying the Championships Committee waiver authority regarding automatic qualification and the establishment of new championships.

It was VOTED

"To recommend the Management Council approve the following official interpretation:

Waiver of Automatic Qualification Requirements for New Championships. The Interpretations and Legislation Committee confirmed that the NCAA Division III Championships Committee may determine appropriate conditions for conferences (single or multisport) to receive automatic qualification to a new championship as it deems necessary to administer that championship. This may include, but is not limited to, waiving the existing automatic qualification requirements for a period of time, including that a conference be in existence for two years prior to receiving automatic qualification privileges. Further, the Interpretations and Legislation Committee confirmed that for all other championships the Championships Committee may waive any of the requirements for a conference to receive automatic qualification, except for the requirement that a conference be in existence for two years.

[References: NCAA Division III Bylaws 18.1 (regulations and authority for conduct of championships), 31.1.1 (authority of championships committees and sports committees), 31.1.1.1 (authority of championships committees and sports committees – waivers), 31.3 (selection of teams and individuals for championships participation) and 31.3.2.1.1 (additional requirements – multisport conference)]

21. Review Schedule for Future Meetings and Teleconferences. The committee's future meetings and teleconferences were noted as listed below:

a. In-person meetings.

(1) February 10-11, 2011, Indianapolis, Indiana; and

(2) September 22-23, 2011, Indianapolis, Indiana.

b. Teleconferences.

(1) 2 p.m. Eastern, Wednesday, October 20;

(2) 2 p.m. Eastern, Wednesday, November 17; and

(3) 2 p.m. Eastern, Wednesday, December 15.

22. Adjournment. The meeting was adjourned at approximately 11:48 a.m. Eastern time, Friday, September 24.

# # # # #