REPORT OF THE NCAA DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE

ACTION ITEMS

1. Legislative.

a. 2011 NCAA Convention Proposal No. 2-9 – Amendment-to-Amendment – Playing and Practice Seasons – Athletically Related Activities – Certified Strength and Conditioning Personnel Monitoring and Conducting Workouts – Available to All Students.

(1) Recommendation. Sponsor an amendment-to-amendment to 2011 NCAA Convention 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.

(2) Effective Date. August 1, 2011.

(3) Rationale. While the NCAA Division III Interpretations and Legislation Committee did not take a formal position on the original proposal, it believes this recommendation addresses some of the concerns regarding the increased pressure on student-athletes to participate in voluntary workouts. In this manner, student-athletes would not be treated different from other students and, therefore, could choose to request this assistance just like any other student. Further, it ensures that certified strength and conditioning coaches are not hired or dedicated solely for working with student-athletes, which may reduce the potential pressure on student-athletes to participate. The Interpretations and Legislation Committee noted its support of this recommendation regardless of whether the amendment-to-amendment in Item No. 1-b is supported or adopted.

(4) Budget Impact. None.

(5) Student-Athlete Impact. Permits strength and conditioning personnel to conduct voluntary workouts only if the service is available to all students.

b. 2011 Convention Proposal No. 2-9 – Amendment-to-Amendment – Playing and Practice Seasons – Athletically Related Activities – Certified Strength and Conditioning Personnel Monitoring and Conducting Workouts – Regular Academic Year.

(1) Recommendation. 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.

(2) Effective Date. August 1, 2011.

(3) Rationale. While the committee did not take a formal position on the original proposal, it believes this amendment presents a compromise position by considering the sponsor's rationale regarding the need to ensure proper training, balanced against the potential increased pressure on student-athletes to participate in these workouts. This recommendation strikes at the core of "proportion" which is a key Division III attribute. It expands the current time period permitted to conduct these workouts thereby supporting student-athletes in their efforts to reach high levels of athletics performance, consistent with the Division III philosophy statement. It also provides student-athletes with appropriate time to pursue other interests and passions during the summer vacation period.

(4) Budget Impact. None.

(5) Student-Athlete Impact. Reduced pressure to participate in voluntary workouts during the summer vacation period.

c. Noncontroversial Legislation – Recruiting – Four-Year Prospective Student-Athletes – Permission to Contact – Response to Request and Hearing Opportunity.

(1) Recommendation. Approve in concept 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 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.

(2) Effective Date. Immediate.

(3) Rationale. While Proposal No. NC-2007-37 added 14-day deadlines requiring institutions to respond to a student-athlete's request for permission to contact and to be notified of a hearing opportunity, those deadlines do not fully protect a student-athlete's best interests. For example, an institution may choose to not respond to a student-athlete's request which would be considered a denial of the request. Furthermore, current rules do not include a specific time period by which to conduct an appeal hearing, stating only that it be prompt. This proposal would narrow the timeline for institutions to initially respond from 14 days to seven business days and it would require an institution that denies permission to contact to conduct a hearing within 15 business days. Further, it promotes student-athlete well-being by defaulting in the student-athlete's favor if an institution fails to respond or conduct a hearing in the legislated timeframe.

(4) Budget Impact. Minimal.

(5) Student-Athlete Impact. Protects student-athlete well-being by providing additional deadlines to assist student-athletes in the transfer process.

d. Noncontroversial Legislation – Playing and Practice Seasons – Limit on Number of Student-Athletes on an Outside Team – Outside Team Tours – Women's Rowing.

(1) Recommendation. Approve in concept 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.

(2) Effective Date. Immediate.

(3) Rationale. When women's rowing moved from emerging sport status to championship sport status, placing a limit on the number of student-athletes who may compete for an outside team was inadvertently overlooked. This proposal corrects that oversight.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

e. Recruiting – High School All-Star Contests – Involvement of Coaches – Administrative and Operational Duties.

(1) Recommendation. Approve in concept noncontroversial legislation to permit a coach to serve in an administrative or operational capacity (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.

(2) Effective Date. Immediate.

(3) Rationale. 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 staffs 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 conflict 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 given the new tryout deregulation and believes this recommendation provides opportunities to do so in a reasonable manner.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

f. Modification of Wording – Eligibility – Transfers – Two-Year and Four-Year Transfers – Eligibility at Previous Institution.

(1) Recommendation. Approve in concept a modification of wording to NCAA Division III 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).

(2) Effective Date. Immediate.

(3) Rationale. 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. In the proposal's statement of intent, the NCAA Division III Steering Committee, NCAA Division III 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) based on the legislation's intent. Clarification of this will assist the membership in applying the transfer rules.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

g. Incorporation of Official Interpretation – Executive Regulations – Automatic Qualification – Definition of Single-Sport Conference.

(1) Recommendation. Approve incorporation of the following official interpretation (Reference: 3/25/10, Item No. 6) into the legislation:

Definition of a Single-Sport Conference. The NCAA Division III Management Council confirmed that a single-sport conference is a conference that only sponsors one sport. A conference that sponsors one sport, but sponsors both men's and women's competition in that sport is a multisport conference and would not qualify for a single-sport conference waiver for purposes of automatic qualification for either the men's or women's competition. It would be permissible, however, to establish two separate single-sport conferences (i.e., men's sport conference, women's

sport conference) for purposes of requesting a single-sport conference waiver in each sport.

[Reference: Division III Bylaw 31.3.4.3.2 (single-sport conference waiver)]

(2) Effective Date. Immediate.

(3) Rationale. This official interpretation was published March 25, 2010, to clarify the definition of a single-sport conference. Since it is a definition the committee agrees that it should be added to the legislation.

(4) Budget Impact. Minimal if conferences choose to establish two separate single-sport conferences (i.e., men's sport conference, women's sport conference).

(5) Student-Athlete Impact. None.

h. Approval of Official Interpretation – Waiver of Automatic Qualification Requirements for New Championships.

(1) Recommendation. 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: 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)]

(2) Effective Date. Immediate.

(3) Rationale. Bylaw 31.1.1.1 (authority of championships committees and sports committees – waivers) states that the Championship Committee has final waiver authority on all championships issues, which includes automatic qualification decisions. There is one provision within Bylaw 31, however, that specifically precludes any waivers. This provision requires that a conference be an NCAA member conference for two years before receiving an automatic qualification [Bylaw 31.3.2.1.1-(a)-(1)]. While this limitation seems appropriate for an established championship it does not directly translate for the establishment of a new championship. Historical practice indicates this was not intended to apply to newly established championships, which serves as precedent on this issue. The official interpretation merely codifies this authority for future newly established championships.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

i. 2012 Convention Legislation – Awards and Benefits – Awards – Expenses to Receive Noninstitutional Awards – Established Regional, National or International Awards – Actual and Necessary Expenses Provided by Institution.

(1) Recommendation. Sponsor legislation for the 2012 Convention to permit an institution to provide actual and necessary expenses for a student-athlete and his or her relatives or individuals of a comparable relationship to travel to a banquet designed to recognize the student-athlete's accomplishments as an athlete as part of an established regional, national or international award that is permitted by NCAA legislation.

(2) Effective Date. Immediate.

(3) Rationale. Current legislation permits an outside organization to provide actual and necessary expenses for a student-athlete and the student-athlete's relatives or individuals of a comparable relationship to attend an event at which the student-athlete will receive an established regional, national or international award. An institution, however, may not cover

these costs even when the outside organization will not. This puts the financial burden on the student-athlete and his or her relatives or individuals of a comparable relationship should they wish to attend the event. This proposal promotes student-athlete well-being by providing an opportunity for institutions to pay these costs. It also brings equity to the source of funds for noninstitutional awards since institutions can already pay actual and necessary expenses for student-athletes to be recognized by the federal, state or local government and to receive conference awards.

(4) Budget Impact. Minimal for those institutions that choose to provide these expenses to student-athletes selected to receive these awards.

(5) Student-Athlete Impact. Provides another potential source to cover these costs.

j. 2012 Convention Legislation – Eligibility – Transfer – Four-Year Transfers – Academic Requirements – Exception.

(1) Recommendation. 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.

(2) Effective Date. August 1, 2012.

(3) Rationale. The committee reviewed the issue of whether Division III should consider legislating an exception to the transfer regulations for situations involving nonsponsored sports. The committee noted that 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. The academic requirements demonstrate a student-athlete's academic commitment to ensure he or she is not attempting to circumvent the rules.

(4) Budget Impact. None.

(5) Student-Athlete Impact. Provides another option for transfers to be immediately eligible in certain circumstances.

2. Nonlegislative.

a. Voting Method for 2011 Convention Proposals.

(1) Recommendation. Designate votes for all proposals at the 2011 Convention to be taken using the roll call method, regardless of grouping (presidential or general).

(2) Effective Date. Immediate.

(3) Rationale. The committee discussed voting methods noting that roll-call voting has historically only been designated for 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.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

b. Review Division II Proposal No. NC-2011-14.

(1) Recommendation. Refer to the NCAA Division III Membership Committee NCAA Division II Proposal No. NC-2011-14 for further examination.

(2) Effective Date. Immediate.

(3) Rationale. In its review of Division II legislative actions, this proposal was noted by the committee given its interaction between membership requirements and the enforcement process. Therefore, the committee believes it is appropriate for the Membership Committee to consider.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

c. Application of Hardship Waiver Legislation to Transfers.

(1) Recommendation. Refer to the NCAA Division III Student-Athlete Advisory Committee the issue regarding application of hardship waiver legislation to transfers.

(2) Effective Date. Immediate.

(3) Rationale. 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 Student-Athlete Advisory Committee in order to gain student-athlete input.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

d. Recruitment Activities for Enrolled Student-Athletes.

(1) Recommendation. 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.

(2) Effective Date. Immediate.

(3) Rationale. 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. 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.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

INFORMATIONAL ITEMS

1. 2011 Convention – 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.

2. 2011 Convention – Proposal No. 2-9. The committee took no position on this proposal, but recommends the Management Council sponsor two amendments-to-amendments as previously noted in this report.

3. 2011 Convention – grouping of proposals. The committee reviewed an initial proposed grouping of proposals for the 2011 Convention and recommends the following order for consideration:

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.

4. 2011 NCAA Convention – question and answer document. The committee reviewed the 2011 Convention proposals and provided several points and questions to include in the question and answer document. The committee will review a draft during its October conference call.

5. Review interpretive appeal from member institution – financial aid – endowed scholarships. 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.

6. Legislation governing organized competition prior to initial, full-time enrollment. 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 at its February 2011 meeting.

7. Waiver of full-time enrollment – requirement for practice – U.S. Olympic Committee/National Governing Body. The committee reviewed legislative changes in Divisions I and II regarding a waiver of full-time enrollment that would permit 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.

8. 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.

9. 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.

10. Review Management Council referral regarding recruitment activities during camps and clinics. The committee discussed the issue of recruitment activities during camps and clinics that were 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.

Committee Chair: Lori Runksmeier, New England College
Staff Liaisons: Amy Huchthausen, Academic and Membership Affairs
Jeff Myers, Academic and Membership Affairs