REPORT OF THE NCAA DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE

ACTION ITEMS

1. Legislative Items.

a. Modification of Wording – Eligibility – Season of Participation – Hardship Waiver – Nature of Injury/Illness.

(1) Recommendation. Approve in concept a modification of wording to NCAA Division III Bylaw 14.2.5.2.1 (nature of injury/illness) to permit a student-athlete to file a hardship waiver, regardless of when the injury or illness occurred, provided the injury or illness is incapacitating based on contemporaneous medical documentation and prevents the student-athlete from competing during the applicable playing season.

(2) Effective Date. Immediate.

(3) Rationale. Current legislation in Bylaw 14.2.5.2.1 permits a student-athlete to qualify for a hardship waiver provided the incapacitating, season-ending injury or illness occurs *after* the individual becomes a student-athlete by reporting on call for regular practice or after attending the first day of class. For example, an incoming football student-athlete would not be eligible for a hardship waiver if he sustained an incapacitating, season-ending injury one day before reporting for the first day of preseason practice at the institution. The implication on these individuals is that under the Division III seasons-of-participation rule in Bylaw 14.2.4.1 and the definition of an athletically related activity in Bylaw 17.02.1.1, they would trigger a season of participation simply by attending team meetings throughout the season even if they never engaged in physical practice or competition activities as a result of their injury or illness and, given the current wording of Bylaw 14.2.5.2.1, they are not eligible for a hardship waiver for that season.

NCAA Division III Proposal No. NC-2006-48, which was ratified during the 2006 NCAA Convention, eliminated a provision in the hardship waiver bylaw that required the injury or illness to have occurred *during* one of the four seasons of participation. The rationale for the proposal stated, in part, "It does not seem appropriate to bar a student-athlete from any participation with a team because the injury occurred in the days or weeks prior to the season (as opposed to happening after the season started). The committee recognized that student-athlete well-being could be enhanced with an amendment."

The NCAA Division III Interpretations and Legislation Committee agreed that the principle from Proposal No. NC-2006-48 provides sufficient justification to modify Bylaw 14.2.5.2.1 to eliminate the requirement that the injury must occur after the individual has triggered student-athlete status. The membership determined it is reasonable that an injury occurring in the summer after a student-athlete's sophomore year is sufficient to qualify that student-athlete for a hardship waiver for his/her junior year. This permits that student-athlete to attend meetings and other athletically related activities without using a season of participation, while he/she is rehabilitating the injury. The committee agreed that extending this same principle, via modification of wording, to an injury that occurs during the summer prior to the individual becoming a student-athlete is likewise reasonable.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. This proposal is student-athlete friendly as it permits an incoming student-athlete to be treated consistently with returning student-athletes by allowing them to be included in required team activities (e.g., team meetings, travel with team), even if the injury or illness prevents the individual from physically engaging in regular practice or competition, without using a season of participation.

b. Approval of Official Interpretation – Playing and Practice Seasons – Observation of Enrolled Student-Athletes in Organized Competition.

(1) Recommendation. Approve the following official interpretation:

Observation of Enrolled Student-Athletes in Organized Activity. The NCAA Division III Management Council confirmed that a coach may not serve in an administrative capacity (e.g., tournament director, event manager) for an outside team, league, activity or event in which student-athletes from the coach's sport participate. [References: NCAA Division III Bylaws 17.02.1.1.1-(d) and 17._.8.1.1 and a staff interpretation (6/25/93, Item No. a)]

(2) Effective Date. Immediate.

(3) Rationale. The committee considered the issue of whether it is permissible for an institution's coach to serve as tournament director or

manager of a noncollegiate athletics event in which enrolled student-athletes participate. With the adoption of Proposal No. 2010-3 the tryout legislation was significantly deregulated. Accordingly, institutional coaching staff members are now permitted to be more involved with noncollegiate events that involve prospective student-athletes. Because these events may also include student-athletes, institutions must determine to what extent, if any, their coaches may be involved in events that include student-athletes from their own institutions. While Proposal No. 2010-3 provided flexibility for a coach to be involved with these events from a recruiting perspective, the regulations for enrolled student-athletes and athletically related activities remain unchanged. Therefore, the committee agreed that a coach could not serve as a tournament manager or director under Bylaw 17.02.1.1.1-(d) in that such duties, regardless of title, are tantamount to directing or supervising the activity which is not permissible.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

c. Approval of Official Interpretation – Recruiting – Contact at Practice or Competition Site – Institutional Camp or Clinic.

(1) Recommendation. Approve the following official interpretation:

Camp or Clinic Considered Athletics Competition. The NCAA Division III Management Council determined that for purposes of the restrictions on contact at a prospective student-athlete's practice or competition site, a camp or clinic is considered an athletics event and subject to all provisions in the legislation except that contact may occur with a prospective student-athlete at any site before the contest on the day or days of competition. [References: Bylaw 13.1.4.2 (practice or competition site); staff interpretation (7/26/90, Item No. 1-d) and staff interpretation (10/2/92, Item No. b) which has been archived.]

(2) Effective Date. Immediate.

(3) Rationale. The committee reviewed a staff interpretation [Reference: 10/2/92, Item No. b] which stipulates that camps and clinics are subject to the legislation in Bylaw 13.1.4.2 (practice or competition site). Practically, this means that a prospective student-athlete, who intends to

take an official or unofficial visit to an institution in conjunction with his or her participation in an institutional camp or clinic, can only do so after the camp or clinic is finished and the campers have been released because Bylaw 13.1.4.2-(a) prohibits recruiting contact prior to the activity. In other words, the interpretation permits recruiting contact after a camp or clinic is complete, but not before it starts. The committee believed such a distinction is not substantial to preclude the sequence of activities desired by the institution. Further, the committee noted that participation in a camp or clinic is different than participation in practice or competition and warrants slightly different restrictions while still intending to minimize the intrusion to the prospective student-athlete as he or she prepares for and participates in an athletic activity.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

d. Approval of Official Interpretation – Recruiting – Institutional Camp or Clinic.

(1) Recommendation. Approve the following official interpretation:

Recruitment at Institution's Sports Camps and Clinics. The NCAA Division III Management Council confirmed that institutional staff members are prohibited from engaging in recruitment activities during institutional sports camps or clinics. [References: Bylaws 13.1.4.2 (practice or competition site) and 13.12.1.1 (definition) and a staff interpretation (4/5/89, Item No. i) which has been archived]

(2) Effective Date. Immediate.

(3) Rationale. The committee reviewed a staff interpretation [Reference: Staff interpretation (4/5/89, Item No. i)] that prohibits recruitment during a camp or clinic. The committee agreed to elevate this to an official interpretation in order to confirm that recruitment should not occur during a camp or clinic.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. Prevents intrusion on prospective student-athlete's experience at a camp or clinic.

e. Approval of Official Interpretation – Playing and Practice Seasons – Strength and Conditioning Activities – Out of Season – Exception – Football.

(1) Recommendation. Approve the following official interpretation:

Team-Building Activities During Five-Week Period – Football. The NCAA Division III Management Council determined that, in football, an institution may conduct team-building activities (e.g., ropes courses) during the five-week period outside the playing season, provided the activity counts as one of the 16 days in which athletically related activity may occur. Further, an institution may provide expenses for participation in such activity. [References: Bylaws 16.8.1.1 (practice) and 17.9.6.1 (out-of-season athletically related activities – exception) and staff interpretation (8/23/96, Item No. b) which has been archived]

(2) Effective Date. Immediate.

(3) Rationale. The committee reviewed Bylaw 17.9.6.1 (out-of-season athletically related activities – exception) which provides an exception to the restrictions on out-of-season athletically related activities in football. It permits an institution to participate in strength and conditioning activities and limited skill instruction during a consecutive five-week period, typically during the spring. The restriction on the type of athletically related activities that may be conducted is unique to football. In most other sports there exists a nontraditional segment which may limit the number of days on which athletically related activities may occur, but there are no limits on the type of activity. The rationale is largely based on safety reasons unique to the sport, therefore, strength and conditioning and limited skill instruction are considered reasonable activities during a limited time period. There is, however, no specific definition of what constitutes a permissible strength and conditioning activity. Additionally, there is a staff interpretation [Reference: 8/23/96, Item No. b] that prohibits an institution from paying expenses for ropes courses or other team building activities during a period when only strength and conditioning may occur. Since Bylaw 16.8.1.1 (practice) permits institutions to pay for practice activities, which includes strength and conditioning activities, this staff interpretation implies that ropes courses are not considered a strength and conditioning activity since it states that an institution may not pay for the expenses. Accordingly, since football is restricted to conducting only strength and conditioning and limited skill

instruction during the five-week period, it is not permissible to participate in ropes courses during this time period, regardless of who pays the expenses. The committee disagreed with the existing staff interpretation and believed it was reasonable to permit football student-athletes to participate in team-building activities during the five-week spring period provided it counted as one of the 16 days.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

2. Nonlegislative Item.

- **Review Presidential Leadership Concepts.**

(1) Recommendation. Clarify the designation of "athletics direct report."

(2) Effective Date. Immediate.

(3) Rationale. The committee reviewed the recommendation to add two individuals designated as an "athletics direct report" to the Management Council and believes clarification is needed regarding the definition of "athletics direct report" and whether that is intended to be an individual to whom the president or chancellor has assigned responsibility for athletics or an individual to whom the athletics director reports. The committee noted that while in many cases this individual is the same person (i.e., individual the president or chancellor has assigned responsibility for athletics is the same person to whom the athletics director reports), there are some situations in which these are two different people. Therefore, the committee recommends the councils further discuss and more specifically define this designation before formally sponsoring legislation.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

INFORMATIONAL ITEMS

- Review revised committee policies and procedures. The committee approved the addition of three provisions to its policies and procedures to clarify the interpretive process in relation to the student-athlete reinstatement, waiver and infractions reporting processes. Specifically, the provisions clarify that once an institution applies for reinstatement, a waiver or reports a violation, the institution is acknowledging that existing legislation and interpretations do not apply or that a violation of the legislation has occurred. As a result, the institution can no longer avail itself of the interpretive process. The interpretive process must be engaged before any of these processes begin as they are intended to address situations in which questions or interpretations of the legislation have been settled. The committee noted the approval of these provisions will also clarify that the interpretive process is consistent in all three divisions.

Committee Chair: Lori Runksmeier, New England College
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