MINUTES OF THE

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE

Teleconference June 3, 2010

Participants:

Mark Dienhart, University of St. Thomas (Minnesota)
Amy Friedman, Colonial States Athletic Conference
Dan Fulks, Transylvania University
Julie Muller, North Atlantic Conference
Amy Huchthausen, NCAA, recording secretary
Jeff Myers, NCAA

John Meany, Worcester State College; Lori Runksmeier, New England College; Darryl Sims, University of Wisconsin, Oshkosh; and Phil Tonucci, Bowdoin College, were unable to participate.

[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 3:02 p.m. Thursday, June 3, by Ms. Muller. All members were present as noted above.

1. Review Minutes from April 21, 2010, Teleconference.

   It was VOTED

   "That the minutes of the April 21 teleconference be approved as written."

2. Possible Modification of Wording – Hardship Waiver – Timing of Injury or Illness. The Interpretations and Legislation Committee reviewed current legislation in NCAA Division III Bylaw 14.2.5.2.1 that 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. The committee noted, as an example, that 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.

The committee also reviewed NCAA Division III Proposal No. NC-2006-48, which was ratified during the 2006 NCAA Convention. This noncontroversial proposal 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 committee agreed 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. Extending this same principle to an injury that occurs during the summer prior to the individual becoming a student-athlete is likewise reasonable.

It was VOTED

"To recommend the NCAA Division III Management Council approve a modification of wording 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."

3. Update on Presidential Leadership Concepts. The committee received an update on the concepts endorsed by the NCAA Division III Presidents Council during its April meeting related to presidential leadership. Included in these concepts are potential legislative and policy recommendations. The committee was informed the Management Council and

Presidents Council will continue to consider and refine the concepts during their respective July meetings before formally sponsoring any legislative proposals.

The committee sought clarification regarding the definition of "athletics direct reports" and whether that was intended to be individuals to whom the president or chancellor has assigned responsibility for athletics or individuals 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. Next Teleconference. The committee's next teleconference is scheduled for Wednesday, July 21 at 2 p.m. Eastern. The committee agreed to be available should a call be required prior to the July 19-20 meeting of the Management Council.

5. Adjournment. The teleconference was adjourned at approximately 3:49 p.m.

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