MINUTES OF THE

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE

Teleconference March 17, 2010

Participants:

Mark Dienhart, University of St. Thomas (Minnesota)
Amy Friedman, Colonial States Athletic Conference
Dan Fulks, Transylvania University
John Meany, Worcester State College
Lori Runksmeier, New England College, chair
Darryl Sims, University of Wisconsin, Oshkosh
Amy Huchthausen, NCAA, recording secretary
Jeff Myers, NCAA

Julie Muller, North Atlantic Conference, 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 2:03 p.m. Wednesday, March 17, by the chair, Ms. Runksmeier. All members were present as noted above.

1. Review Minutes from February 11, 2010, In-Person Meeting.

   It was VOTED

   "That the minutes of the February 11 meeting be approved as written."

2. Review Recommendation Regarding Application of Hardship Waiver Legislation to Transfer. During its February 11 meeting the Interpretations and Legislation Committee reviewed a Division I official interpretation [Reference: 9/17/09, Item No. 1] and a Division II official interpretation [Reference: 10/31/97, Item No. 1-d] which provide greater flexibility to transfers regarding the application of hardship waiver legislation than a Division III official interpretation [Reference: 9/1/97, Item No. 3]. Specifically, the Division III interpretation requires the legislation of the division in which the injury

or illness occurred must be applied, while the Divisions I and II interpretations permit an institution to use either the legislation in which the injury or illness occurred or the division to which the student-athlete has transferred. The committee supports a modification be made in Division III to provide this same flexibility. In supporting a modification, the committee believes that transfers to Division III institutions should not be disadvantaged when compared to other divisions and that this restriction is not substantial enough to influence a student's decision to enroll at a member institution. During its March 17, 2010, conference call, however, the committee was informed that the NCAA Division III Committee on Student-Athlete Reinstatement reviewed this same issue in the past year and believes the Division III interpretation should not change because they did not believe it was appropriate to factor in the potential status of a hardship waiver into a student-athlete's decision to transfer. After learning this information, the Interpretations and Legislation Committee agreed to refer this issue back to the Committee on Student-Athlete Reinstatement prior to making a final recommendation to the NCAA Division III Management Council in an effort to potentially reconcile the differing positions and to factor in the new hardship waiver legislation as a result of NCAA Division III Proposal No. 2010-7.

3. Update on Issues Surrounding Proposal No. 2010-5 From NCAA Division III Management Council Playing and Practice Seasons Subcommittee. The committee received an update on the NCAA Division III Management Council Playing and Practice Seasons Subcommittees' recommendations to clarify the application of Proposal No. 2010-5.

   a. Golf, tennis and rowing. The committee supported the subcommittee's recommendation for Management Council to adopt noncontroversial legislation that maintains the rationale of Proposal No. 2010-5 without significantly impacting the playing season for these sports. The noncontroversial legislation would eliminate the designation of "traditional" and "nontraditional" segment for these sports in favor of a split season. Thus, the playing season would be defined as the following:

      (1) Fall start date: The date that permits a maximum of 16 units in the preseason practice formula before the first scheduled intercollegiate competition.

      (2) Fall end date: Five weekdays before the first day of fall final examination period.

      (3) Spring start date: February 1.

(4) Spring end date: The conclusion of the NCAA championships.

b. Nontraditional calendars.

(1) The committee supported the subcommittee's recommendation for Management Council to adopt a modification of wording clarifying that the five weekday limitation for the nontraditional segment only applies to the fall and spring regular exam periods. The subcommittee's recommendation stipulated this five weekday period marks the end of the fall nontraditional segment, but only serves as a limitation during the spring nontraditional segment. Institutions that conduct their nontraditional segment in the spring must complete their season prior to the exam period that marks the end of the academic year. This is consistent with the current application that institutions may conduct nontraditional segment activities during a May term so long as that term is considered part of the regular academic year.

(2) The committee noted the subcommittee supported the concept from the committee's February meeting that the five weekday limitation should apply to any regular final examination period (e.g., winter exams for schools on a quarter academic calendar). The committee, however, believed this can be addressed as noncontroversial legislation while the subcommittee decided that it should advance as 2011 NCAA Convention legislation. The intent of Proposal No. 2010-5 was to provide sufficient time for student-athletes to prepare for final examinations. While the original intent and discussion of the proposal did not contemplate application to final examination periods that do not end the institution's playing season, it is consistent with the proposal's intent to extend its application to any regular final examination period that falls during an institution's nontraditional segment. For example, under current legislation a quarter-based institution could begin its nontraditional segment during the winter quarter and continue to practice and/or compete prior to and during the winter quarter final examination period. Such practice is contrary to the intent of Proposal No. 2010-5 and the committee found no reason to treat the winter quarter different than the spring quarter for purposes of the nontraditional segment.

c. Establishment of a waiver. The committee supported the subcommittee's recommendation for Management Council to adopt noncontroversial legislation creating a waiver process for institutions with nontraditional calendars that would

have trouble conducting a nontraditional segment within the parameters established by Proposal No. 2010-5 and any subsequent legislation approved by Management Council. These waivers would be reviewed by the subcommittee.

4. Interpretive Issue – Institutional Camps and Clinics in Conjunction With Official and Unofficial Visits. 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 NCAA Division III 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.

It was VOTED

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

Camp or Clinic Considered Athletics Competition. The NCAA Division III Interpretations and Legislation Committee 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 Ref. b) which has been archived.]

In addition, the committee reviewed a staff interpretation [Reference: 4/5/89, Item No. i] that prohibits recruitment during a camp or clinic. The committee agreed to elevate this to an official interpretation.

It was VOTED

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

Recruitment at Institution's Sports Camps and Clinics. The NCAA Division III Interpretations and Legislation Committee 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]

5. Interpretive Issue – Strength and Conditioning Activities – Out of Season – Exception – Football. 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.

It was VOTED

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

Team-Building Activities During Five-Week Period – Football. The NCAA Division III Interpretations and Legislation Committee 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 Ref. b) which has been archived]

6. Next Teleconference. The committee's next teleconference is scheduled for Wednesday, April 21 at 2 p.m. Eastern time.

7. Adjournment. The teleconference was adjourned at approximately 2:43 p.m.

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