A G E N D A

National Collegiate Athletic Association

Division III Interpretations and Legislation Committee

NCAA national office
Indianapolis, Indiana

February 11-12, 2010

1. Welcome and announcements.

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

3. Review December 2009 teleconference minutes. [Supplement No. 2]

4. Governance update. [Supplement No. 3]

5. Review Interpretations and Legislation Committee policies and procedures. [Supplement No. 4]

6. Review recently issued staff interpretations (September 2009 – January 2010). [Supplement No. 5]

7. Review recent NCAA Division III official interpretations for possible incorporation (September 2009 – January 2010). [Supplement No. 6]

8. Review recent NCAA Divisions I and II official interpretations (September 2009 – January 2010). [Supplement No. 7]

9. Review recent Divisions I and II legislative actions (September 2009 – January 2010). [Supplement No. 8]

10. Review recent Division III educational columns (September 2009 – January 2010). [Supplement No. 9]

11. Review 2010 NCAA Convention Division III legislation and post-Convention business.

    a. Update on fundraising and designated funds discussion. [Supplement No. 10]

    b. Review legislation regarding observation of student-athletes in a sport other than a coaching staff's sport (NCAA Division III Proposal No. 2010-4). [Supplement No. 11]

    c. Issues surrounding the adoption of Proposal No. 2010-5. [Supplement No. 12]

12. Division III interpretive and legislative issues.

    a. Review draft official interpretation regarding contact restrictions at competition and practice sites. [Supplement No. 13]

    b. Review issues surrounding gift cards and acceptance of prize money equal to actual and necessary expenses. [Supplement No. 14]

    c. Review of NCAA Division III Bylaw 10. [Supplement No. 15]

    d. Review issues regarding collegiate all-star contests. [Supplement No. 16]

    e. Review awarding of academic credit for athletics participation. [Supplement No. 17]

    f. Review legislation regarding single-sport conferences. [Supplement No. 18]

    g. Review official interpretation regarding ergometers. [Supplement No. 19]

h. Review possible noncontroversial legislation regarding Bylaw 30. [Supplement No. 20]

13. Review NCAA compliance forms. [Supplement No. 21]

14. Review schedule for future meetings and teleconferences.

a. Next in-person meeting – September 23-24, 2010, Indianapolis, Indiana.

b. Schedule teleconferences for 2010.

c. Set dates for February 2011 in-person meeting. [Supplement No. 22]

d. Set dates for September 2011 in-person meeting. [Supplement No. 23]

15. Other business.

16. Adjournment.

MINUTES OF THE

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE

NCAA National Office
Indianapolis, Indiana

February 11, 2010

Participants:

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

Amy Friedman, Colonial States Athletic Conference, was unable to participate. In addition, Azure Davey, Doug Healey and Leah Kareti of the NCAA staff attended a portion 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 9:12 a.m. Thursday, February 11, by the chair, Ms. Runksmeier. All members were present as noted above.

1. Review of December 2009 Teleconference Minutes.

   It was VOTED

   "That the minutes of the December 2009 teleconference be approved as written."

2. Update on Division III Identity Initiative and Governance Update. The Interpretations and Legislation Committee received an update on the next phase of the strategic positioning platform that includes activation plans and its use in policy discussion throughout the governance structure. The committee received details on the different

methods of activation including additional videos, online tools, $1000 credit for institutions and conferences and messaging at NCAA championships.

Additionally, the committee received an update on some key items within the division's strategic plan. Specifically, the committee was reminded that a primary emphasis this year is on presidential leadership which will include an examination of the current duties of both the NCAA Division III Management Council and NCAA Division III Presidents Council, consideration of more involvement from the vice presidential groups (senior administrator to whom athletics reports) given the majority of institutions with this reporting structure and a review of current legislation with consideration to making certain bylaws division dominant to reflect the importance of certain items within the division's philosophy. Other priority items for the upcoming year include the drug testing and education pilot, the academic reporting pilot and the gender and diversity review.

3. Review Interpretations and Legislation Committee Policies and Procedures. The committee approved the revised policies and procedures document.

4. Review Recent Staff Interpretations. The committee reviewed the one staff interpretation [Reference: 11/12/09, Item No. a] issued between September 2009 through January 2010 and took no action, thereby leaving it as a staff interpretation. Furthermore, the committee agreed to monitor issues related to volleyball and sand volleyball in the future.

5. Review Recent NCAA Division III Official Interpretations. The committee reviewed the one official interpretation [Reference: 1/22/10, Item No. 1] issued between September 2009 through January 2010 and took the following action:

It was VOTED

"To incorporate the interpretation as written into the legislation."

The motion failed. Following that vote:

It was VOTED

"To incorporate the following part of the interpretation into the legislation:

The institution may not publicize the appearance of any specific prospective student-athletes nor may it use individual or team photographs of participating prospective student-athletes in any advertising activities."

Further, the committee agreed the remaining part of the interpretation would remain as an official interpretation.

6. Review Recent NCAA Divisions I and II Official Interpretations. The committee reviewed the Division I official interpretation (there were no Division II official interpretations issued in the specified time period) issued between September 2009 through January 2010 and took the following action:

It was VOTED

"To recommend to the Division III Management Council that it modify an official interpretation [Reference: 9/17/97 Item No. 3] to be consistent with 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] as follows:

Administration of Hardship Waiver for Transfer Student-Athletes. The Management Council determined that in applying the hardship waiver legislation to a student-athlete who suffers an injury or illness while attending an NCAA Division I or Division II institution and later transfers to a Division III institution, the legislation of the division in which the injury or illness occurred or the Division III legislation may be used. The application of a particular division's legislation must include all the applicable elements of that division's legislation, as opposed to selected elements of the legislation of each division." [References: NCAA Division III Bylaw 14.2.5 (hardship waiver) and official interpretation (9/17/97, Item No. 3) which has been archived]

7. Review Recent Divisions I and II Legislative Actions. The committee reviewed Divisions I and II legislative actions from September 2009 through January 2010 for possible inclusion within Division III legislation. The committee took no formal actions, but made the following referrals to other committees for further review:

   a. Referred NCAA Division I Proposal No. 2009-71 to the NCAA Division III Committee on Student-Athlete Reinstatement for further review with general support of the concept presented;

b. Referred Division I Proposal No. 2009-43 to the NCAA Division III Student-Athlete Advisory Committee for further review; and

c. Referred to the NCAA Division III Management Council Playing and Practice Seasons Subcommittee the concept of decreasing the maximum contest limits for the sports of baseball and softball. This issue was raised after reviewing Division II's "Life in the Balance" legislative initiative. Decreasing the Bylaw 17 maximum contest limits and Bylaw 20 minimum contest requirements was a concept submitted for possible legislation by the Division III membership during the 2010 legislative cycle, but it never received proper sponsorship to go for a vote at the NCAA 2010 Convention. Based on the concerns expressed at that time, the committee decided that this issue should be reviewed from a governance perspective and should start with the Playing and Practice Seasons Subcommittee for further review.

8. Review Recent Division III Educational Columns. The committee reviewed educational columns in Division III issued from September 2009 to January 2010 and took the following action:

a. During its review of the educational column regarding Proposal No. 2010-3, the committee requested staff issue an interpretation regarding Question No. 6.

b. During its review of the educational column regarding Proposal No. 2010-4, the committee took the following action:

It was VOTED

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

Observation of Prospective Student-Athletes in Recreational Activities. The Interpretations and Legislation Committee 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." [Reference: Bylaw 13.11.2.1.1 (permissible observation of recreational activities)]

Additionally, it was VOTED

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

Observation of Enrolled Student-Athletes in Nonorganized Sport-Specific Activities. The Interpretations and Legislation Committee 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." [Reference: Bylaw 17.02.1.1.1 (athletically related activities – exceptions)]

Further, it was VOTED

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

Facility Monitoring as Part of Normal Employment Arrangement. The Interpretations and Legislation Committee confirmed that for purposes of the tryout exception and the athletically related activities exception regarding observation of prospective and/or enrolled student-athletes:

1) A coach may have interaction with the prospective or enrolled student-athlete that is necessary to stop a dangerous or unsafe activity; however, a coach is not permitted to instruct the prospective or enrolled student-athlete as to how 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 or enrolled student-athletes is only permitted if it occurs in the specific facilities for which the coach has designed monitoring duties."

[References: Bylaws 13.11.2.1.1 (permissible observation of recreational activities) and 17.02.1.1.1 (athletically related activities – exceptions)]

c. During its review of the educational column regarding Proposal No. 2010-5, the committee requested staff issue an interpretation regarding Question No. 2.

d. During its review of the educational column regarding Proposal No. 2010-6, the committee requested staff issue an interpretation regarding Question Nos. 4 and 6.

e. During its review of the educational column regarding Proposal No. 2010-7, the committee took the following action:

It was VOTED

"To support the addition of the table in the answer to Question No. 4 to the NCAA Division III Manual via editorial revision."

f. During its review of the educational column regarding Proposal No. 2010-8, the committee requested staff issue an interpretation regarding Question No. 2.

9. Update on Fundraising and Designated Funds Discussion. The committee received an update on its recommendation to the Management Council on the issue of fundraising and designated funds. As noted in the joint Presidents Council and Management Council report, the governance structure has agreed to take no action. The committee agreed on this approach and anticipates the membership sponsoring legislative proposals for the 2011 Convention.

10. Review Legislation Regarding Observation of Student-Athletes in Sport Other Than Coaching Staff's Sport. The committee reviewed the question of whether Bylaw 17.02.1-(k) prohibits any coaching staff member from observing any student-athletes engaging in nonorganized sport-specific activities or if the prohibition is only limited to the coach in that sport observing activities involving student-athletes in that sport. After reviewing the legislative history, the committee agreed that Bylaw 17.02.1-(k) is sport specific and requested staff issue an interpretation confirming this position. Furthermore, the committee requested a modification of wording be proposed to clarify the legislation based on the legislative history regarding this bylaw.

11. Review Issues Surrounding Proposal No. 2010-5. The committee reviewed the application of Proposal No. 2010-5 to schools that are on a quarter academic calendar or have a nontraditional academic calendar. The committee believed the rationale for Proposal No. 2010-5 warrants the five-weekday limitation apply to any regular exam

period; however, the committee did not believe the season should end at an intervening exam period. Rather, they endorsed instituting the five-day limit prior to exams of any regular term, but would allow institutions to consider this a ***break*** in the segment as opposed to the ***end*** of the segment. Furthermore, the committee did not take a position on whether an institution should be permitted to conduct its nontraditional segment during a May term.

In addition, the committee discussed the application of Bylaw 17 to split-season sports like golf, tennis and women's rowing which do not have true traditional or nontraditional segments. The committee believed that the designation of traditional and nontraditional segments should be eliminated for these sports. Instead, the legislation should permit institutions to use the preseason practice formula to start the fall season and it should end five weekdays prior to final exams, while the spring segment should have a February 1 start date and end at the conclusion of the NCAA championship.

However, because both of these issues are Bylaw 17 issues, the committee ultimately deferred to the Management Council Playing and Practice Seasons Subcommittee to make final recommendations to the Management Council.

12. Review Draft Official Interpretation Regarding Contact Restrictions at Competition and Practice Sites. The committee reviewed a draft interpretation requested during its September 21, 2009, meeting that would address certain situations that implicate the legislation that prohibits contact restrictions on the day or days of competition.

It was VOTED

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

Contact with Prospective Student-Athlete on Day or Days of Competition or Practice. The Interpretations and Legislation Committee determined that contact between a coach and a prospective student-athlete on the day or days of competition or practice is permissible only if:

a. The contact occurred on the institution's campus;

b. The prospective student-athlete's competition or practice occurred off the institution's campus or at a facility not typically used by the institution for practice or competition;

c. The institution is not involved with the event in which the prospective student-athlete is a participant; and

d. The coaching staff did not initiate the contact in any manner."

[References: Bylaw 13.1.4.2 (practice or competition site) and an official interpretation (8/11/93, Item No. 3)]

13. Review Issues Surrounding Gift Cards and Acceptance of Prize Money Equal to Actual and Necessary Expenses. The committee reviewed a comparison between Division I Proposal No. 2008-13-B and current Division III legislation regarding gift cards as requested during its September 21, 2009, meeting. The committee agreed the primary issue for discussion was whether Division III legislation should be amended in the same manner as Division I Proposal No. 2008-13-B which is also consistent with Division II legislation in this area. The committee noted that currently a prospective student-athlete may accept prize money based on place finish, up to actual and necessary expenses, in order to offset costs incurred while participating in an open athletics event. In the interest of student-athlete well-being and consistency in the rules, the committee believed the same opportunity should be available to enrolled student-athletes. Specifically, the current post-enrollment amateurism rule adversely affects student-athletes in individual sports. Student-athletes who participate in team sports and who compete on outside teams during summer vacation periods are able to travel and have their expenses paid in full or subsidized by their teams, team sponsors and/or event organizers. The committee believed student-athletes in individual sports should have the same opportunity to compete at a high level during summer vacation periods while having some or all of their expenses covered. The committee noted this should be limited to the receipt of actual, incurred, out-of-pocket expenses. A student-athlete would not be able to profit from competing in events and accepting money based on place finish. Moreover, in order to safeguard against student-athletes missing class and minimize the potential intrusion and distraction during the academic year, the committee believed this should apply only to open events taking place outside of the playing and practice season during institutional summer vacation periods. Finally, the committee agreed the calculation of actual and necessary expenses under this proposal should not include the expenses of fees for anyone other than the student-athlete (e.g., coach's fees or expenses, parent's expenses) as noted in the Division I rule.

It was VOTED

"To recommend that Management Council sponsor legislation for the 2011 Convention that would permit a student-athlete in individual sports to accept prize money based on

his or her place finish or performance in an open athletics event (an event that is not invitation only), provided the competition occurs outside the institution's playing season during the institution's summer vacation period and the prize money does not exceed actual and necessary expenses and is provided only by the sponsor of the open event."

14. Review of Division III Bylaw 10. The committee reviewed a couple of issues related to some differences that exist in Bylaw 10 between Divisions I, II and III. The committee noted that in Division I Bylaw 10.1 (unethical conduct) the definition of "institutional staff" member lists examples of individuals such as a coach, professor, tutor, teaching assistant, student manager and student trainer while the Division III bylaw does not contain any similar definition or examples. This list was incorporated into the Division I bylaw through an incorporation of an official interpretation [Reference: 12/13/00, Item No. 3]. The committee reviewed the full text of that official interpretation and agreed that while it would be helpful to provide further clarity in the legislation, it preferred a broader explanation of who is considered an institutional staff member instead of an example list.

It was VOTED

"To recommend that Management Council sponsor and adopt noncontroversial legislation to clarify in Bylaw 10.1 (unethical conduct) that an institutional staff member includes any individual who performs work for the institution or the athletics department and/or does not receive compensation from the institution for performing such services."

The committee also noted there are four examples of unethical conduct found in the Division I and II versions of Bylaw 10.1 that do not appear in Division III Bylaw 10.1. The committee determined that these examples should also be included in the Division III bylaw.

It was VOTED

"To recommend that Management Council sponsor and adopt noncontroversial legislation to amend Bylaw 10.1 (unethical conduct) to include the additional examples."

15. Review Issues Surrounding Collegiate All-Star Contests. The committee reviewed current legislation applicable to a student-athlete's participation in collegiate all-star contests based on the many questions that were asked this past fall surrounding these contests. These questions primarily centered on the payment of a student-athlete's expenses related to participation in such an all-star contest. While it is permissible for the

outside organization sponsoring the activity to provide actual and necessary expenses to participants, not all of the all-star contest organizers were doing so. Instead, some contests required each participant to pay a portion or all of the expenses such as a registration fee, travel, lodging and meals. Additionally, for at least one event, participants were responsible for a minimum sponsorship requirement that would be included as advertising in the contest's game program.

The committee considered whether the legislation should be changed to permit an institution to provide expenses to one collegiate all-star contest per student-athlete or to leave the legislation as is. The increased cost burden at a time of budget cuts and the potential insurance liability to an institution that might provide these expenses were identified as concerns. On the other side, the committee agreed a limit of one event per student-athlete should be considered given the unique opportunity to participate in these contests at the end of a student-athlete's athletic career.

It was VOTED

"To recommend that Management Council sponsor legislation for the 2011 Convention to permit an institution to provide actual and necessary expenses to a student-athlete to participate in one collegiate all-star contest after the student-athlete has exhausted his or her eligibility in that sport."

The motion failed.

16. Review Awarding of Academic Credit for Athletics Participation. The committee examined the issue of whether it is permissible for an institution to consider credits earned for athletics participation in satisfying the full-time enrollment requirement in order to compete. The committee recognized this as a matter of institutional integrity and discretion. Accordingly, the committee agreed that if the credit is awarded in a manner that is consistent for the general student body, or other segments of the student body on a basis unrelated to athletics, then institutional policy should determine how that credit is used.

It was VOTED

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

Awarding Academic Credit for Athletics Participation (III). The Interpretations and Legislation Committee confirmed that an institution may award academic credit to student-athletes for participation in athletics, provided it is consistent with institutional

policy for other extra- or co-curricular activities or is a course available to all students. Further, such credit may be used in determining full-time enrollment, including the 12-semester or quarter-hour requirement for competition, consistent with institutional policy." [Reference: Bylaw 14.1.8.1 (requirement for practice or competition)]

17. Review Legislation Regarding Single-Sport Conferences. The committee discussed the question of whether, for purposes of determining automatic qualification for championships, a conference that sponsors one sport but sponsors competition for both genders in that sport (e.g., men's and women's hockey) is considered a multisport conference or a single-sport conference. The committee reviewed a situation in which a conference that presently sponsors a men's sport, and receives a single-sport waiver for automatic qualification purposes, intends to sponsor the same sport for women. The committee agreed that adding a women's sport effectively resulted in the conference sponsoring two sports. Thus, the conference was no longer a single-sport conference but rather a multisport conference. The rationale used by the committee to reach its conclusion took into consideration the fact that these are considered two separate sports for all other purposes (e.g., sports sponsorship, separate championships, separate playing rules) and, therefore, should not be considered the same sport only for this purpose. The committee noted, however, it would be permissible to create two single-sport conferences in order to request a single-sport waiver for each conference.

It was VOTED

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

Definition of a Single-Sport Conference (III). The Interpretations and Legislation Committee 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: Bylaw 31.3.4.3.2 (single-sport conference waiver)]

18. Review Official Interpretation Regarding Ergometers. The committee considered whether an official interpretation [Reference: 10/2/02, Item No. 1] regarding the use of ergometers in rowing remains necessary given the elimination of the safety exception under Proposal No. 2004-64. The committee noted this official interpretation is no

longer necessary and should be archived. As a result of Proposal No. 2004-64, in all sports, coaches are not permitted to be involved with a student-athlete's voluntary individual workout outside the playing season, regardless of whether equipment related to the applicable sport is used. Therefore, the determination that an ergometer is not related to the sport of rowing is no longer necessary and only serves to confuse the membership in regard to voluntary individual workouts in the sport.

It was VOTED

"Direct the staff to archive the official interpretation [Reference: 10/2/02, Item No. 1]."

19. Review Possible Noncontroversial Legislation Regarding Bylaw 30. The committee received an update from staff on the potential consolidation of Bylaw 30, noting that staff has identified where the provisions in Bylaw 30 would be placed in other sections of the legislation.

It was VOTED

"To request that Management Council adopt noncontroversial legislation to consolidate Bylaw 30 by shifting all provisions of Bylaw 30 into other areas of the legislation."

20. Review NCAA Compliance Forms. The committee reviewed draft versions of the various compliance forms for the 2010-11 academic year and took no action.

21. Future Meetings and Teleconferences. The committee established its monthly conference call schedule to occur the third Wednesday of each month at 2 p.m. Eastern time. Further, the committee scheduled its in-person meetings for 2011 as follows:

a. February 10-11, 2011.

b. September 22-23, 2011.

22. Adjournment. The meeting was adjourned at approximately 4:25 p.m.

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