REPORT OF THE NCAA DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE

ACTION ITEMS

1. Legislative Items.

a. 2012 NCAA Convention Legislation -- Personnel -- Conduct of Athletics Personnel -- Sports-Safety Training for Certified Strength and Conditioning Personnel.

(1) Recommendation. To sponsor legislation for the 2012 NCAA Convention to amend NCAA Division III Bylaw 11.1.6 (sports-safety training) to require certified strength and conditioning coaches to maintain certification in first aid, cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED) use.

(2) Effective Date. August 1, 2012.

(3) Rationale. The NCAA Division III Interpretations and Legislation Committee reviewed NCAA Division I Proposal No. 2010-85 that requires strength and conditioning coaches that conduct voluntary weight training and conditioning to hold an active certification in first aid, CPR and AED use. The committee noted recent legislation that permits only certified strength and conditioning coaches to conduct voluntary workouts and agreed that first aid, CPR and AED certification would provide additional safety measures for student-athletes. The committee observed that some organizations that offer strength and conditioning certifications already require individuals to have some first aid, CPR and/or AED certification but it is unclear whether all entities require this and whether it needs to be active at all times. In light of these considerations, the committee agreed that limiting first aid, CPR and AED certification requirements only to certified strength and conditioning personnel is the option that is most consistent with the current legislation requiring certification only for head coaches and provides additional health and safety benefits to student-athletes.

(4) Budget Impact. Minimal for certification ($0 to $30 per coach) since institutions can outsource the training or train their own staff as instructors. Moreover, this is not an annual cost since first-aid certification is valid for three years and CPR certification is valid for one to two years (depending on the certifying organization). Division III grant and initiative funding may be used to offset these costs.

(5) Student-Athlete Impact. Strengthens the health, safety and well-being of student-athletes.

b. Approval of Official Interpretation – Contact at Prospective Student-Athlete's Practice or Competition Site.

(1) Recommendation. To approve the following official interpretation:

Contact at Prospective Student-Athlete's Practice or Competition Site (III). The NCAA Division III Interpretations and Legislation Committee confirmed it is permissible for an institution's coach to contact a prospective student-athlete at the prospective student-athlete's away-from-home practice or competition site provided the competition has been completed, the prospect has departed the meeting and dressing facility and the prospective student-athlete's coach has released the prospective student-athlete. A prospective student-athlete may be "released" for purposes of allowing contact even if the prospective student-athlete will be traveling back home with the team. [References: NCAA Division III Bylaw 13.1.4.2 (practice or competition site)]

(2) Effective Date. Immediate.

(3) Rationale. The committee reviewed issues that arose from the 2011 NCAA Regional Rules Seminars and agreed to issue a formal official interpretation on this particular question.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

c. Approval of Official Interpretation – Expenses for Mandatory Medical Exam Prior to Becoming a Student-Athlete.

(1) Recommendation. To approve the following official interpretation:

Expenses for Mandatory Medical Exam Prior to Becoming a Student-Athlete (III). The NCAA Division III Interpretations and Legislation Committee confirmed that an institution may conduct a medical examination of a prospective student-athlete during an official or unofficial visit, or in conjunction with the prospective student-athlete's arrival to campus prior to the beginning of preseason practice and/or the academic year, provided the prospective student-athlete has been accepted

for regular full-time enrollment at the institution. [Reference: NCAA Division III Bylaws 13.02.6. (prospective student-athlete), 13.11.1 (prospective student-athlete defined for tryout-rule purposes), 16.4 (medical expenses), 16.5.1-(a) (preseason practice expenses) and a staff interpretation (6/9/04, Item Ref. 1)]

(2) Effective Date. Immediate.

(3) Rationale. The committee reviewed issues that arose from the Regional Rules Seminars and agreed to issue a formal official interpretation on this particular question.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

d. Approval of Official Interpretation – Uniformity of Participation Awards.

(1) Recommendation. To archive an official interpretation (12/13/91, Item Ref. e) and approve the following official interpretation:

Uniformity of Participation Awards (III). The NCAA Division III Interpretations and Legislation Committee determined that a member institution, conference or other approved agency may provide different participation awards based on the year or class (e.g., freshman, sophomore, first year participant, second year participant) of a student-athlete, provided the awards are uniform for all recipients within a given year or class. [Reference: NCAA Division III Bylaw 16.1.2 (uniformity of awards) and a staff interpretation (12/13/91, Item Ref. e), which has been archived)]

(2) Effective Date. Immediate.

(3) Rationale. The committee reviewed issues that arose from the Regional Rules Seminars and agreed to issue a formal official interpretation on this particular question.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

e. Approval of Official Interpretation – Demonstrators at Coaches' Clinics and Institutional Camps and Clinics.

(1) Recommendation. To approve the following official interpretation:

Demonstrators at Coaches' Clinics and Institutional Camps and Clinics (III). The NCAA Division III Interpretations and Legislation Committee determined that a prospective student-athlete may serve as a demonstrator during a coach's clinic or session conducted by an institutional staff member or during an institutional camp or clinic without such participation constituting an impermissible tryout. An enrolled student-athlete may serve as a demonstrator at an institutional camp or clinic with staff members from any institution. Further, an enrolled student-athlete may serve as a demonstrator at a coaches clinic; however, if the coaches clinic is conducted outside the playing season, the student-athlete may serve as a demonstrator only if he or she participates with coaching staff members from institutions other than his or her own. [References: NCAA Division III Bylaws 13.11.2 (prohibited physical activities involving prospective student-athletes), 13.11.3 (permissible physical activities involving prospective student-athletes), 13.12.2.1 (prospective student-athletes), 17.1.1.1 (playing season – athletically related activities), and a staff interpretation (2/14/90, Item Ref. a) which has been archived]

(2) Effective Date. Immediate.

(3) Rationale. The committee re-examined its recent official interpretation regarding demonstrators at coaches' clinics [Reference: 2/10/11, Item Ref. 14-b]. The rationale for the original interpretation was to address whether the tryout prohibition allowed prospective student-athletes and/or enrolled student-athletes to be used as demonstrators at coaches' clinics. The wording of the original interpretation unintentionally seemed to prohibit an enrolled student-athlete from serving as a demonstrator at a coach's clinic or an institutional camp or clinic that is governed by Bylaw 13.12, if in either circumstance the student-athlete were to serve as a demonstrator for his or her own coach. The committee noted that Bylaw 13.12.2 specifically allows both prospective student-athletes and enrolled student-athletes to be employed at an institutional camp or clinic, and Bylaw 13.12.2.2.1(c) implies that enrolled student-athletes can be used as demonstrators at an institutional camp or clinic. The committee further noted that Bylaw 17 specifies that outside of the playing season, student-athletes may be employed in camps and clinics but are prohibited from participating as campers in their own institution's camp or clinic. For

these reasons, prohibiting student-athletes from serving as demonstrators for their own coaches at coaches' clinics is consistent with the legislation, but prohibiting demonstration for a student-athlete's own coach at the institution's camp or clinic is contrary to the legislation.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

f. Approval of Official Interpretation – Playing Season Waivers.

(1) Recommendation. To approve the following official interpretation:

Scope of Playing-Season Waivers for Institutions With Nontraditional Academic Calendars (III). The NCAA Division III Interpretations and Legislation Committee confirmed that the scope of playing-season waivers for institutions with nontraditional academic calendars shall extend only to those situations in which the institution's nontraditional academic calendar interferes with its ability to adhere to playing season regulations, as opposed to a one-time or limited request which is handled through a separate waiver provision. [References: NCAA Division III Bylaws 5.4.1.7 (review authority of Management Council) and 17.1.13 (playing-season waiver)]

(2) Effective Date. Immediate.

(3) Rationale. The committee noted the NCAA Division III Management Council Playing and Practice Seasons Subcommittee has more expertise in addressing adjustments to the playing season regulations for schools with nontraditional academic calendars, thereby establishing a waiver that could apply for as long as the institution needs, provided its academic calendar did not change. This type of waiver can be distinguished from the authority of the NCAA Division III Management Council Subcommittee for Legislative Relief which is designed to address unique circumstances that warrant relief only on a limited or one-time basis. Further, the Subcommittee for Legislative Relief has oversight of all operating bylaws and, therefore, is not a substantive authority on any given bylaw.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

2. Nonlegislative Items.

- **None.**

<u>INFORMATIONAL ITEMS</u>

1. Legislative Publications. The committee provided feedback on the potential shift to printed publication of an operating NCAA Division III Manual that would include NCAA Division III Bylaws 10 through 17 and Bylaw 20 only, with the complete NCAA Division III Manual and the NCAA Convention Division III Official Notice being published online only. The committee offered mixed opinion and suggested that options such as reducing the total number of printed materials distributed or eliminating printing of the blue pages may better reduce costs rather than reducing the content printed. The committee also wondered whether an online format would serve as a distraction to those on the internet during the Convention's business session. The committee was also informed that exploration of mobile and e-reader applications for various resources is being pursued and such tools are expected to be available in the future.

2. Approval of Staff Determinations. The committee approved the following staff determinations:

a. <u>Recreational Activities During an Official or Unofficial Visit</u>. The academic and membership affairs staff determined that during an official or unofficial visit, a prospective student-athlete may participate in recreational activities in a facility (on- or off-campus) that is not open to the general public (e.g., campus recreation center, golf course, swimming pool) provided such activities are not organized or observed by members of the athletics department coaching staff (including strength and conditioning coaches) and are not designed to test the athletics abilities of the prospective student-athlete. Further, in situations in which there is a fee associated with the use of the facility (e.g., guest fee at a private facility used by the institution for practice or competition, admission fee for open swim session at institutional recreation center) a prospective student-athlete shall pay the going rate associated with the use of that facility. [References: NCAA Division III Bylaws 12.1.1 (preferential treatment, benefits, or services), 13.2 (offers and inducements), 13.6 (official visit) and 13.7 (unofficial visit); staff interpretations (5/26/10, Item Ref. 1) and (9/4/08, Item Ref. a), which has been archived]; and

b. <u>Employment of Prospective Student-Athletes Who Are Children of Institutional Staff Members</u>. The academic and membership affairs staff determined that an institution's athletics department may employ a prospective student-athlete who is

the child of an institutional staff member, provided the employment is arranged through normal institutional employment policies and procedures. Any compensation received by the prospective student-athlete must be for work actually performed and commensurate with the going rate for such services in that locale. [References: Bylaws 13.2.4 (employment of prospective student-athletes), 13.2.4.1 (normal employment procedures) and staff interpretation (3/9/05, Item Ref. 1b), which has been archived]

3. **Athletics Events.** The committee reviewed the issue of whether an athletics banquet or dinner constitutes an athletics "event" for purposes for advertising or promoting nonathletics institutional information. With the adoption of Proposal No. 2011-3, it is now permissible for an institution to produce nonathletics institutional material to be used in advertisements and promotions at athletics events. The committee noted a staff interpretation [Reference: 2/10/89, Item Ref. c] that precludes an institution from buying or arranging advertisements in a program for a dinner held to honor prospective student-athletes' academic and athletics achievements. The committee agreed with the application of this interpretation and confirmed that an athletics banquet or dinner does not constitute an athletics event for purposes of this legislation.

4. **2011-12 NCAA Compliance Forms**. The committee approved the 2011-12 NCAA compliance forms and noted there are no substantive modifications to this year's forms. The committee also received an update from NCAA staff regarding the transition to online submission of the forms for the upcoming academic year.

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