REPORT OF THE NCAA DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE

ACTION ITEMS

1. Legislative.

a. Noncontroversial Legislation – Recruiting – Permissible Recruitment Activities for Enrolled Student-Athletes – Electronic mail.

(1) Recommendation. Approve in concept noncontroversial legislation to permit enrolled student-athletes to e-mail prospective student-athletes for recruitment purposes.

(2) Effective Date. Immediate.

(3) Rationale. Current legislation permits enrolled student-athletes to participate in the recruitment process per NCAA Division III Bylaw 13.02.4.1 (permissible recruitment activities for enrolled student-athletes) through telephone calls, official visits and unofficial visits. Coaches are permitted to e-mail prospective student-athletes and it is reasonable to extend this method of communication to enrolled student-athletes as well. The committee received feedback from the Student-Athlete Advisory Committee (SAAC) regarding this issue. SAAC reasoned that e-mail is convenient, does not place any undue burden on enrolled student-athletes and allows prospective student-athletes to obtain information from peers about the athletics programs at the institution that they may attend. This allows for more honest, realistic information and perspective regarding the institution in a number of areas (e.g., academic, athletics, campus life, expectations) from current student-athletes than what is delivered by a coach. In addition, for some prospective student-athletes, such as international prospective student-athletes, e-mail may be the only viable option for communication. Because there is not an additional expense associated with sending emails, and to ensure honest communication, it is unnecessary to have restrictions in place similar to those associated with telephone calls.

(4) Budget Impact. None.

(5) Student-Athlete Impact. Potential additional time commitments for student-athletes to engage in recruitment activities.

b. Noncontroversial Legislation – General Playing-Season Regulations -- General Regulations For Computing Playing Seasons Applicable To All Sports -- Non-NCAA Postseason Championships Participation -- Emerging Sports For Women.

(1) Recommendation. Approve in concept noncontroversial legislation to specify that practice and competition for one recognized national intercollegiate championship event in an emerging sport for women are exempt from being counted against the institution's declared playing and practice season limitations.

(2) Effective Date. Immediate.

(3) Rationale. Currently, competition in championships in emerging sports for women is not exempt from the playing and practice season regulations for that sport. Due to the uncertainty related to being selected for championships, institutions must account for this time in their playing and practice season and must start their official practice season later than the official starting date to ensure eligibility for participation in the championship. In addition, this proposal is consistent with championships in non-NCAA championship sports used for sports sponsorship. A review of the legislative history suggests that this change should have been made with the adoption of the emerging sports for women program.

(4) Budget Impact. None.

(5) Student-Athlete Impact. Could extend the length of the season for involved student-athletes.

c. Modify Official Interpretation – Recruitment at Institution's Sports Camps and Clinics (III).

(1) Recommendation. Modify current official interpretation (Reference: 5/17/10, Item No. 3) to permit general, nonathletics information about the institution to be presented to camp or clinic participants only by nonathletics staff. To modify as recommended, the Management Council would need to archive the official interpretation (Reference: 5/17/10, Item No.3) and issue the following official interpretation:

Recruitment at Institution's Sports Camps and Clinics (III). The NCAA Division III Interpretations and Legislation Committee confirmed that institutional athletics department staff members are prohibited from engaging in recruitment activities during institutional sports camps or clinics. Nonathletics institutional staff members may present and provide general institutional information to camp participants. [References: NCAA Division III 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, official interpretation (5/17/10, Item No. 3) which has been archived]

(2) Effective Date. Immediate.

(3) Rationale. This would confirm the institution's ability to provide general information about the institution to camp participants, but not create a situation that places undue pressure on prospective student-athletes from an athletics recruitment perspective. This is consistent with Bylaw 13.01.7 which confirms that the regulations set forth in Bylaw 13 only applies to athletics based recruiting and shall not limit an institution's admissions office from the recruitment of prospective students generally.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

d. Archive and Approve Official Interpretation - Administration of Hardship Waiver (III).

(1) Recommendation. Archive official interpretation (Reference: 9/17/97, Item No. 3) and approve the following official interpretation to allow institutions to apply either the hardship waiver legislation of the division where the injury occurred or the Division III legislation, whichever is most flexible.

Administration of Hardship Waiver. (III). The committee 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. [Reference: 14.2.5 (hardship waiver)]

(2) Effective Date. Immediate.

(3) Rationale. The current Division III official interpretation (Reference: 9/17/97, Item No. 3) requires that when administering a hardship waiver for a transfer student-athlete, the legislation in the division where the injury occurred applies. Divisions I and II permit an institution to apply either the legislation of the division where the injury occurred or the respective Division I or II legislation, whichever is most flexible. The committee previously recommended that Division III change the interpretation to take this same flexible approach. The Division III Student-Athlete Reinstatement Committee however objected to changing the interpretation. The issue was then referred to SAAC. SAAC disagreed with the Committee on Student-Athlete Reinstatement's position that an unfair competitive advantage will result or that perceived abuses outweigh a more favorable approach. SAAC also noted that given the similarities in hardship waiver legislation across the divisions, the opportunity for a student-athlete to manipulate the rules would exist only in limited and narrow circumstances. Thus, SAAC supported the more flexible approach. The more flexible approach makes the application of the hardship legislation consistent across divisions, as well as being more student-athlete friendly with only minimal room for abuse.

(4) Budget Impact. None.

(5) Student-Athlete Impact. Result in more flexible application of the hardship legislation for transfer student-athletes.

e. Archive and Approve Official Interpretation – Facility Monitoring and Observation of Prospective Student-Athletes.

(1) Recommendation. Archive and combine two official interpretations regarding facility monitoring as part of a normal employment arrangement (3/25/10, Item No. 3) and observation of prospective student-athletes in recreational activities (3/25/10, Item No. 1) into a new official interpretation.

Facility Monitoring and Observation of Prospective Student-Athletes in Recreational Activities. The NCAA Division III Management Council 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. Further, the Management Council confirmed the following for a coach who is monitoring the facility as part of his or her normal employment arrangement:

(a) A coach may have interaction with the prospective student-athlete that is necessary to stop a dangerous or unsafe activity; however, a coach is not permitted to instruct the prospective student-athlete as to how to properly perform the activity;

(b) The coach's job duties for facility monitoring must be properly documented in a manner consistent with all employees of the institution; and

(c) 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 student-athletes is only permitted if it occurs in the specific facilities for which the coach has designated monitoring duties.

[References: NCAA Division III Bylaw 13.11.2.1.1 (permissible observation of recreational activities) and official interpretations (3/25/10, Item No. 1 and 3/25/10, Item No. 3) which have been archived]

(2) Effective Date. Immediate.

(3) Rationale. The committee noted it would be helpful to combine the facility monitoring interpretation with the interpretation regarding observation of prospective student-athletes. The committee agreed that since the issues were connected, it would be easier for the membership to understand if combined into a single interpretation addressing prospective student-athletes. Similar action is being requested in action item (f) below for enrolled student-athletes.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

f. Modify and Approve Official Interpretation – Facility Monitoring and Observation of Enrolled Student-Athletes.

(1) Recommendation. Archive and combine two official interpretations regarding facility monitoring as part of a normal employment arrangement (3/25/10, Item No. 3) and observation of enrolled student-athletes in nonorganized sport-specific activities (3/25/10, Item No. 2) into a new official interpretation.

Facility Monitoring and Observation of Enrolled Student-Athletes in Nonorganized Sport-Specific Activities. The NCAA Division III Management Council 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. Further, Management Council confirmed the following for a coach who is monitoring the facility as part of his or her normal employment arrangement:

(a) A coach may have interaction with the enrolled student-athlete that is necessary to stop a dangerous or unsafe activity; however, a coach is not permitted to instruct the enrolled student-athlete as to how to properly perform the activity;

(b) The coach's job duties for facility monitoring must be properly documented in a manner consistent with all employees of the institution; and

(c) 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 enrolled student-athletes is only permitted if it occurs in the specific facilities for which the coach has designated monitoring duties.

[References: Division III Bylaw 17.02.1.1.1 (athletically related activities – exception) and official interpretations (3/25/10, Item No. 2 and 3/25/10, Item No. 3) which have been archived]

(2) Effective Date. Immediate.

(3) Rationale. The committee noted it would be helpful to combine the facility monitoring interpretation with the interpretation regarding observation of enrolled student-athletes. The committee agreed that since the issues were connected, it would be easier for the membership to understand if combined into a single interpretation addressing enrolled student-athletes. Similar action is being requested in action item (e) above for prospective student-athletes.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

g. Archive and Approve Official Interpretation – Meals in Conjunction With Home Competition.

(1) Recommendation. Archive an official interpretation (4/27/99, Item No. 1) and approve the following official interpretation regarding meals in conjunction with home competition.

Meals in Conjunction with Home Competition. The Interpretations and Legislation Committee confirmed that it is permissible for an institution to provide meals to student-athletes at the institution's discretion on the day(s) of competition until the student-athletes are released by institutional personnel. An institution shall not provide cash in lieu of a meal during this time period. An institution, at its discretion, may provide a meal or cash (but not both) to student-athletes at the time of their release by institutional personnel.

[References: NCAA Division III Bylaw 16.5.1 (housing and meals – exceptions) and an official interpretation (4/27/99, Item Ref. 1) which has been archived]

(2) Effective Date. Immediate.

(3) Rationale. The committee considered whether it is permissible for an institution to provide pregame meals to student-athletes as a meal incidental to participation. The committee considered the legislative history of Proposal No. 2000-73 that focused on benefits in Bylaws 16.3 (academic and other support services) and 16.5 (housing and meals) with the primary intent to ensure that student-athletes were not treated differently than students in general. The committee also noted, however, an official interpretation (4/27/99, Item No. 1) that remains active and

permits an institution to provide one pregame meal. Consequently, the committee agreed pregame meals were not intended to be eliminated with Proposal No. 2000-73. While the provision regarding meals to incidental to participation was eliminated, it was primarily focused on the references to athletics scholarships in the legislation which are not permitted in Division III. The critical student-athlete well-being function served with meals on the day of competition causes them to be a necessary permissible benefit.

(4) Budget Impact. Varies for those institutions providing meals.

(5) Student-Athlete Impact. Positive health and well-being benefit on day(s) of competition.

2. Nonlegislative.

- None.

INFORMATIONAL ITEMS

1. 2011 NCAA Convention – question and answer document. The committee reviewed and approved the first and second editions of the 2011 Convention Division III Legislative Proposals Question and Answer Guide.

2. 2011 NCAA Convention Proposals Video Series. The committee was updated on the status of the 2011 NCAA Convention videos. Two of the three videos detailing the 2011 Convention Proposals have been released and the third is in production.

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