**REPORT OF THE**
**NCAA DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE**
**SEPTEMBER 20-21, 2012**

***ACTION ITEMS*.**

**1. Legislative Items.**

**a. Incorporation of Official Interpretation – Minimum Participants Required to Complete Institution's Competition (III).**

(1) Recommendation. To approve the incorporation of the following official interpretation [References: 8/6/12, Item No. 2] in the legislation:

Minimum Participants Required to Complete Institution's Competition (III). The NCAA Division III Interpretations and Legislation Committee determined that the minimum number of participants required to complete a competition for the purposes of satisfying sports-sponsorship requirements, shall be based on the playing rules of the sport.

[References: NCAA Bylaws 20.11.3.8 (minimum contests and participants requirements for sports sponsorship) and 20.11.3.8.1 (completion of contest)]

(2) Effective Date. Immediate.

(3) Rationale. During its September meeting, the Interpretations and Legislation Committee reviewed an official interpretation that provides guidance in determining the minimum number of participants required to complete a competition for the purposes of satisfying sports-sponsorship requirements. The committee noted that incorporation of this interpretation in the NCAA Division III Manual will make this information more readily accessible to the Division III membership.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

**b. Incorporation of Official Interpretation – Use of a Season of Participation in an Alumni Contest Occurring during the Preseason (III).**

(1) Recommendation. To approve the incorporation of the following official interpretation [References: 5/8/12, Item No. 2] into the legislation:

Use of a Season of Participation in an Alumni Contest Occurring during the Preseason (III). The Interpretations and Legislation Committee confirmed that a student-athlete who competes in an alumni contest prior to the first regular season contest will not use a season of participation.

[References: NCAA Bylaws 14.2.4.1 (minimum amount of participation), 14.2.4.1.1 (exceptions), 17.1.4.5.1 (annual exemptions) and 17.1.4.5.1.2 (alumni game)]

(2) Effective Date. Immediate.

(3) Rationale. During its September meeting, the Interpretations and Legislation Committee reviewed an official interpretation that confirms that a student-athlete who competes in an alumni contest prior to the first regular season contest will not use a season of participation. The committee noted that incorporation of this interpretation in the Division III Manual will make this information more readily accessible to the Division III membership.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

c. **Noncontroversial Legislation – Amateurism – Involvement With Professional Teams – Elimination of the Prohibition of Involvement of an Institution's Coach – Football and Basketball.**

(1) Recommendation. That NCAA Division III Management Council approve in concept noncontroversial legislation in football and basketball, to eliminate the prohibition against an institution's coaching staff member arranging for or directing a student-athlete's participation in a practice session conducted by a professional team.

(2) Effective Date. Immediate.

(3) Rationale. In its review of Division II legislative actions, the committee noted the prohibition on an institution's coaching staff member arranging for or directing a student-athlete's participation in a practice session conducted by a professional team is not in the best interests of student-athletes. Providing the opportunity for coach involvement allows for coaches to advocate for the student-athletes who have competed for their

institutions. Further, the committee did not see a need for a distinction between football, basketball and any other sport.

(4) Budget Impact. None.

(5) Student-Athlete Impact. Allows a football or basketball student-athlete to be involved when participating in a practice session for a professional team.

d. **Noncontroversial Legislation – Institutional Contest Limitations – Junior Varsity Contests.**

(1) Recommendation. That Management Council approve in concept noncontroversial legislation clarifying that multiple squad levels in one sport may participate separately in the prescribed number of contests during the traditional segment.

(2) Effective Date. Immediate.

(3) Rationale. The committee discussed the need for clarification as it relates to institutional contest limitations and junior varsity contests. Several interpretations set forth that multiple squad levels in one sport may participate separately in the prescribed number of contests during the traditional segment. The committee noted, however, this is not clearly set forth in the legislation and stating such in the legislation would be clearer for the membership.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

**2. Nonlegislative Action Items.**

**a. Approval of Official Interpretation – Automatic Qualification Grace Period.**

(1) Recommendation. Approve the following official interpretation:

Automatic Qualification Grace Period (III). The Interpretations and Legislation Committee determined the automatic qualification grace period applies to the situation when a school intended to sponsor a sport but failed to satisfy the minimum participant and contest requirements,

thereby rendering the conference with fewer than seven institutions sponsoring the particular sport. For purposes of this scenario, the two-year grace period begins with the start of the academic year after the institution first failed to satisfy the Bylaw 20 minimum sponsorship requirements.

[References: NCAA Bylaw 31.3.2.1.3 (grace period)]

(2) Effective Date. Immediate.

(3) Rationale. The committee noted that while this application provides three years of actual noncompliance with the minimum requirements, it also provides a conference two full academic years to solidify its membership which was consistent with the original intent of the legislation establishing the grace period.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

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

(1) Recommendation. Approve the following official interpretation:

Contact at a Prospective Student-Athlete's Competition Site (III). The Interpretations and Legislation Committee determined that a contact at a prospective student-athlete's competition site includes any communication (e.g., face-to-face, telephone call or electronic transmission); however the restrictions on telephone calls and electronic transmissions would not extend to athletics personnel who are not attending the prospective student-athlete's competition and are not aware of the competition.

[References: NCAA Bylaws 13.02.3 (contact) and 13.1.4.2 (practice or competition site)]

(2) Effective Date. Immediate.

(3) Rationale. The committee noted that a contact during a prospective student-athlete's practice or competition includes any communication (e.g., face-to-face, telephone call or text message); however it should not

extend to athletics personnel that are not attending and are unaware that the prospective student-athlete is engaging in competition.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

**c. Voting Method for 2013 NCAA Convention Proposals.**

(1) Recommendation. Designate votes for all proposals at the 2013 Convention to be taken using the roll-call method, regardless of grouping (presidential or general).

(2) Effective Date. Immediate.

(3) Rationale. The committee discussed voting methods noting that roll-call voting has historically only been designated for the presidential grouping. While a mechanism exists for the membership to consider changing the voting method on the Convention floor, the committee agreed that since the electronic voting units and technology permit the recording of all votes in an expeditious manner, the committee agreed that votes for all proposals (presidential and general grouping) should be taken using the roll-call method as it provides transparency for the membership.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

***INFORMATIONAL ITEMS*.**

**1. Welcome and Announcements.** The chair, Darryl Sims, welcomed new committee member Melissa Cruise and noted this is the last in-person meeting for Julie Muller.

**2. NCAA Division III Interpretations and Legislation Committee Roster**. The committee was asked to review and submit any corrections to staff.

**3. 2012-13 Compliance Forms.** The committee reviewed and approved the 2012-13 compliance forms.

4. **Update on Governance Issues.** The NCAA Division III governance staff provided the committee an update on the primary topics within the Division III governance structure for the 2012-13 year. The topics included: the identity initiative including an update on the purchasing website, Division III Week, the partnership with Special Olympics including an opportunity to participate in an event at the 2013 Convention, the coach's mobile website and an update on the Division III Men's Basketball National Championship. The committee also received an update on the business of the NCAA Working Group on Collegiate Model - Recruiting. Lastly, committee members were encouraged to register on NCAA Connect and for the 2013 Convention.

5. **Review Divisions I, II and III Staff Interpretations.** The committee reviewed staff interpretations issued in Divisions I, II and III between February and August and took the following action:

   - Recommended staff review and update a staff interpretation [Reference: 3/2/12, Item No. e] to clarify that it is not permissible for a student-athlete to provide transportation from a bus or train station or airport to campus on the prospective student-athlete's initial arrival to attend classes or official visit.

6. **Review Division III Official Interpretations.** The committee reviewed official interpretations issued in Division III between February and August and made the following recommendations:

   a. Draft two incorporations (See Legislative Action Item Nos. 1-(a) and 1-(b)) of official interpretations. [References: 8/6/12, Item No. 2 and 5/8/12, Item No. 2]

   b. Draft an educational column to provide further clarification to the membership regarding the application of an official interpretation [Reference: 3/20/12, Item No. 1-(b)] addressing the contest/date of competition and athletically related activity limitations applicable to varsity and junior varsity teams during the nontraditional segment.

7. **Review Divisions I and II Official Interpretations**. The committee reviewed official interpretations issued in Divisions I and II between February and August and did not take any action.

8. **Review Division III Editorial Revisions**. The committee reviewed editorial revisions issued in Division III between February and August and took no further action.

9. **Review Division III Educational Columns**. The committee reviewed educational columns issued in Division III between February and August and took no further action.

**10. Review Divisions I and II Legislative Actions.** The committee reviewed legislative actions in Divisions I and II between February and August and made the following recommendations:

- Instructed staff to draft similar noncontroversial legislation based on NCAA Division II Proposal No. NC-2013-8 (see Legislative Action Item No. 1-(c)).

**11. Review of 2013 NCAA Convention Division III Legislation.** The committee reviewed the Division III proposals under consideration for the 2013 NCAA Convention. The committee took the following positions on the membership proposals referred to the committee by Management Council:

**a. Proposal No. 2-3 (Amateurism – Promotional Activities – Prospective Student-Athlete's Participation in Institutional Fundraisers).** The committee supported this proposal. The committee noted that this creates opportunities for prospective student-athletes to raise funds necessary for participation related expenses. Further, this is consistent with the opportunity to publicize a prospective student-athlete's attendance because the prospective student-athlete has forwarded the paid acceptance of admission or financial aid.

**b. Proposal No. 2-4 (Recruiting – Electronic Transmissions – All Forms of Private Electronic Correspondence Permitted).** The committee supported this proposal. In its discussion, the committee noted that this legislation still maintains the integrity of the publicity legislation by restricting the communications to continue to be private in nature, similar to the use of electronic mail. Further the committee noted the NCAA Division III Student-Athlete Advisory Committee's support.

**c. Proposal No. 2-7 (Awards and Benefits – Special Achievement Awards – Conference Postgraduate Scholarship).** The committee supported the proposal noting this is an additional opportunity to honor student-athletes. The committee expressed concerns related to the requirement that a conference may either provide this post-graduate scholarship award or may provide the conference scholar-athlete award but not both and recommended its removal as being inconsistent with increasing opportunities to honor student-athletes.

**12. 2013 Convention Question and Answer Guide.** The committee reviewed each 2013 Convention proposal and offered potential questions for staff to include in the Convention question and answer guide.

**13. 2013 Convention Proposal Grouping.** The committee reviewed potential groupings and vote order for the 2013 Convention proposals. The committee's recommendations are included in the attached addendum.

**14. Review of Previous Issues and Referrals.**

**a. Ice Hockey Amateurism Certification.** The committee received an update on discussions between the NCAA staff and the NCAA Eligibility Center staff regarding the feasibility of using the Eligibility Center to assist Division III institutions with amateurism certifications of Division III ice hockey student-athletes. The committee indicated this is an issue they would like to seek feedback from their respective conferences and institutions and continue to discuss at future meetings. Further, the committee instructed staff to consider submitting a survey to the membership to gage interest and develop further discussions with a focus group of impacted individuals.

**b. Financial Aid Interpretations.** The committee reviewed several financial aid interpretations that had been referred by the NCAA Division III Financial Aid Committee for action. Based on the Financial Aid Committee's recommendations, the Interpretations and Legislation Committee determined the following:

1) Ten official interpretations should be archived [Reference: 1/26/89, Item No. 5; 9/30/88, Item No. 7; 4/18/88, Item No. 13-b-(5); 10/10/88, Item No. 12; 4/13/87, Item No. 15; 6/18/87, Item No. 6; 6/25/74, Item No. 10; 4/18/88, Item No. 15.2.5.5; 5/5/86, Item No. p; and 12/9/80, Item No. s]; and

2) Two staff interpretations should be archived [Reference: 6/31/87, Item No. b-(1) and 4/3/1987, Item No. 2]; and

3) Instructed staff to draft an interpretation for review by the committee that would consolidate official interpretation Athletics Department Member Employed in Financial Aid Office [Reference: 10/10/88, Item No. 11], into official interpretation Athletics Department Staff Involvement with Admissions Office and/or Financial Aid Office and Role of Admissions Office in Financial Aid Packaging [Reference: 9/19/2005, Item No. 2].

**15. Division III Interpretative Issues.**

a. **Definition of Scrimmage in Bylaw 11.6.** The committee discussed defining 'scrimmage' and 'exhibition' for purposes of permissible scouting opportunities. The committee tabled this issue and indicated it would like to discuss further after its members have an opportunity to gather feedback from their respective conferences and institutions.

b. **Open Events – Intercollegiate Tennis Association.** The committee reviewed an issue related to an institution's coach conducting an open event on an institution's campus and allowing both prospective student-athletes and current student-athletes to participate in the event. The committee determined that this scenario was not consistent with the intent of the 2010 tryout deregulation and instructed staff to draft an official interpretation for committee review.

**16.** **NCAA Regional Rules Seminars Update.** The committee received information regarding the attendance and topics at the 2012 NCAA Regional Rules Seminars. The committee discussed the New England Pilot Regional Seminar and noted it provided an educational opportunity for individuals who would not normally be permitted to attend a regional seminar due to budgetary constraints. The committee further noted the pilot seminar did require a considerable amount of NCAA staff resources and a commitment from the commissioners of the participating conferences.

**17.** **Legislative Update from Divisions I and II.** The committee received an update from staff regarding the processes that Divisions I and II have utilized to conduct significant legislative reviews.

**18.** **2012-13 Planning Session.** The committee discussed ways to prioritize topics that are impacting the Division III membership as well as opportunities to more effectively seek membership feedback. As a first step in this process the committee instructed staff to begin requesting a call for issues for future meetings so that committee members can more readily develop issues for discussion.

**19.** **Educational Calendar**. The committee reviewed the staff's educational initiatives calendar and suggested the staff use violation reports to determine topics.

**20.** **Future Meetings**. The committee reviewed its future meeting schedule.

**21.** **Other Business.** The committee addressed the topic set forth in Item 2-b above.

**22.** **Adjournment.** The committee adjourned at 11:30 a.m.

*Committee Chair: Darryl Sims, University of Wisconsin, Oshkosh*
*Staff Liaisons: Brandy Hataway, Academic and Membership Affairs*
*Jeff Myers, Academic and Membership Affairs*
*Kristin Nesbitt, Academic and Membership Affairs*

| September 20-21, 2012 | |
|---|---|
| Attendees | Absentees |
| Kurt Beron, University of Texas at Dallas | |
| Melissa Cruice, Haverford College | |
| Jason Fein, Drew University | |
| Donna Ledwin, Allegheny Mountain Collegiate Conference | |
| Nathan Love, Hope College | |
| John Meany, Worcester State University | |
| Julie Muller, North Atlantic Conference | |
| Darryl Sims, University of Wisconsin, Oshkosh, chair | |
| Other Participants:<br>Gary Brown, NCAA<br>Dan Dutcher, NCAA<br>Brandy Hataway, NCAA<br>Louise McCleary, NCAA<br>Jeff Myers, NCAA<br>Kristin Nesbitt, NCAA | |

## 2013 NCAA Convention – Tentative Proposal Groupings

The NCAA Division III Presidents Council and the NCAA Division III Management Council must approve the 2013 NCAA Convention topical groupings of proposals as they will appear in the 2013 NCAA Convention Division III Official Notice. The number to the left of the proposal title represents the proposal number for the Convention. The number in parenthesis is the 2013 NCAA Convention Division III Second Publication of Proposed Legislation number.

**Presidents Council Grouping (Four Roll-Call Votes).**

**1 (2-1)** Organization -- Presidents Council -- Increase Composition to 18 Members -- Amend Representational Requirements.

**2 (2-13)** Division Membership -- Championship Eligibility and Grant Funding -- Institutions Reclassifying From Division III to Division II.

**3 (2-7)** Awards and Benefits -- Special Achievement Awards -- Conference Postgraduate Scholarship.

**4 (2-8)** Playing and Practice Seasons -- General Playing-Season Regulations -- Sickle-Cell Trait Status.

**General Grouping (Nine Non Roll-Call Votes*).**

**5 (2-9)** Playing and Practice Seasons -- Football -- Five-Day Acclimatization Period -- Three-Hour Recovery Period.

**6 (2-11)** Playing and Practice Seasons -- Ice Hockey -- First Permissible Contest Date -- November 1.

**7 (2-12)** Playing and Practice Seasons -- Tennis -- Fall Period -- Exception to Playing and Practice Season -- Intercollegiate Tennis Association -- National Small College Championship.

**8 (2-10)** Playing and Practice Seasons -- Football -- Out-Of-Season Athletically Related Activities -- Use of Hand Shields.

**9 (2-4)** Recruiting -- Electronic Transmissions -- All Forms Of Private Electronic Correspondence Permitted.

**10 (2-6)** Eligibility -- Four-Year College Transfers -- Exceptions -- Transfer From A Division III Institution -- Change From Season Of Participation To Any Participation.

**11 (2-5)** Eligibility -- Recognized Foreign Exchange or Study Abroad Program -- Transfer and Outside Competition Exception.

**12 (2-3**) Amateurism -- Promotional Activities -- Prospective Student-Athlete's Participation in Institutional Fundraisers.

**13 (2-2)** Amateur Status -- Before Initial, Full-Time Collegiate Enrollment -- Prize Money Based On Team Performance.

***The NCAA Division III Interpretations and Legislation Committee recommends that all 13 Convention proposals should be a roll-call vote.**