# A G E N D A

National Collegiate Athletic Association

Division III Interpretations and Legislation Committee

NCAA National Office
Indianapolis, Indiana
James Frank Conference Room

February 9-10, 2012

1. Welcome and announcements.

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

3. Division III identity initiative. [Supplement No. 2]

4. Update on governance issues.

5. Review Interpretations and Legislation Committee policies and procedures. [Supplement No. 3]

6. Review recent NCAA Divisions I, II and III staff interpretations (September 2011 – January 2012). [Supplement No. 4]

7. Review recent NCAA Division III official interpretations for possible incorporation (September 2011 – January 2012). [Supplement No. 5]

8. Review recent Divisions I and II official interpretations (September 2011 – January 2012). [Supplement No. 6]

9. Review recent Divisions I and II legislative actions (September 2011 – January 2012). [Supplement No. 7]

10. Review recent Division III editorial revisions (September 2011 – January 2012). [Supplement No. 8]

11. Review recent Division III educational columns (September 2011 – January 2012). [Supplement No. 9]

12. Review 2012 NCAA Convention Division III legislation and post-Convention business.

    a. Question and answer document. [Supplement No. 10]

    b. NCAA Division III Proposal No. NC-2012-15. [Supplement No. 11]

    c. Recruiting presentation. [Supplement No. 12]

13. Update on previous issues and referrals.

    a. Completion of contest for sports sponsorship. [Supplement No. 13]

    b. Financial aid interpretations. [Supplement No. 14]

    c. Institution that does not require a paid acceptance or financial deposit for admission or financial aid (III). [Supplement No. 15]

    d. Transfer exception for a student-athlete who is academically ineligible but has not used a season of participation. [Supplement No. 16]

    e. Study abroad/foreign exchange considerations. [Supplement No. 17]

14. Consider Division III interpretive issues.

    a. Alumni contest exemption - use of season. [Supplement No. 18]

    b. Automatic qualification grace period. [Supplement No. 19]

    c. Review nontraditional segment interpretation regarding date of competition. [Supplement No. 20]

    d. Semi-professional interpretation. [Supplement No. 21]

15. Review educational initiatives calendar. [Supplement No. 22]

16. NCAA Division III Manual production updates.

17. Review schedule for future meetings and teleconferences.

    a. In-person meetings.

        (1) September 20-21, 2012, Indianapolis, Indiana; and

        (2) Schedule February 2013 meeting.

    b. Teleconferences.

        (1) 2 p.m. Eastern time, Thursday, March 15;

        (2) 2 p.m. Eastern time, Thursday, April 19;

        (3) 2 p.m. Eastern time, Thursday, May 17 (may need to reschedule due to 2012 NCAA Regional Rules Seminars);

        (4) 2 p.m. Eastern time, Thursday, June 21;

        (5) 2 p.m. Eastern time, Thursday, July 19; and

        (6) 2 p.m. Eastern time, Thursday, August 16.

18. Other business.

19. Adjournment.

# REPORT OF THE NCAA DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE FEBRUARY 9, 2012

## ***KEY ITEM.***

- **Recruiting Working Group**. The NCAA Division III Interpretations and Legislation Committee engaged in a discussion with regard to forming a working group to evaluate alternative recruiting models, in the context of work life balance and competitive equity. The primary areas of discussion for potential legislative changes would involve recruiting calendars and nonscholastic events. The committee will revisit this issue again during its March teleconference with the goal of making a recommendation to NCAA Division III Management Council requesting the formation of a recruiting rules working group (See Information Item No.12-c).

## ***ACTION ITEMS.***

**1. Legislative Items.**

**a. Noncontroversial Legislation – Definition of an Agent.**

(1) Recommendation. That Management Council approve in concept noncontroversial legislation to specify that an agent is any individual who, directly or indirectly represents or attempts to represent an individual for the purpose of marketing his athletic ability or reputation for financial gain, or seeks to obtain any type of financial gain or benefit from securing a prospective student-athlete's enrollment at an educational institution or from a student-athlete's potential earnings as a professional athlete.

(2) Effective Date. Immediate.

(3) Rationale. An industry of individuals has been created, including runners, financial advisors, marketing representatives, business managers, brand managers and street agents who seek to broker elite athletes for financial gain. Although governing bodies have attempted to impose regulations on these individuals and their activities, the competitive nature of the industry has resulted in many finding ways to circumvent the rules. One constant is the use of outside third parties. These third parties typically operate free of any governing body's jurisdiction. In order to regulate the interaction of these individuals with prospective student-athletes and student-athletes, the definition of an agent must be broadened. This proposal is not intended to include parents or legal guardians, athletics department staff members, former teammates or those individuals who have the best

interest of a prospective student-athlete or student-athlete in mind in providing assistance or information, provided they do not intend to receive a financial gain for their assistance.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

**b. Approval of Revision of Official Interpretation – Institution That Does Not Require a Paid Acceptance or Financial Deposit for Admission or Financial Aid.**

(1) Recommendation. That Management Council approve the revision of official interpretation [Reference: 3/25/11, Item No. 9-d], as follows:

Institution That Does Not Require a Paid Acceptance or Financial Deposit for Admission or Financial Aid.(III) The Interpretations and Legislation Committee determined it is permissible for an institution that does not require a paid acceptance or financial deposit in response to a written offer of aid or admission, but has received a commitment from the prospective student-athlete that is required of all incoming students, to release publicity about the prospective student-athlete, and after May 1 of the prospective student-athlete's senior year of high school, may use any form of communication with the prospective student-athlete.

[References: NCAA Division III Bylaws 13.02.11.4 (exception – after receipt of financial deposit) and 13.10.7 (announcement of acceptance)]

(2) Effective Date. Immediate.

(3) Rationale. The revision of the interpretation clarifies that the May 1 date referenced in the interpretation only applies to the communication exception and not the publicity exception.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

**c. Archive Official Interpretation and Approval of Official Interpretation – Contest/Date of Competition and Athletically Related Activity Limitations Applicable to Varsity and Junior Varsity Teams.**

(1) Recommendation. To archive official interpretation [Reference 4/13/06, Item No. 4] and approve the following interpretation:

Contest/Date of Competition and Athletically Related Activity Limitations Applicable to Varsity and Junior Varsity Teams. (III) The Interpretations and Legislation Committee determined that multiple squad levels in one sport (e.g., varsity soccer, junior varsity soccer, or freshman soccer) at a member institution may participate separately in the prescribed number of contests or scrimmages during the traditional segment with outside competition; however, during the nontraditional segment, all levels of teams within a sport (e.g., varsity or subvarsity squads) shall be treated as the same sport. Therefore, if any member (at any level) of a team participates in athletically related activities on a particular day during the nontraditional segment, that day must count as one of the 16 days of athletically related activity for the entire sport (all levels). The committee also confirmed that if an institution's multiple squad levels in one sport use the permissible one date of competition in the nontraditional segment, all levels must use the permissible one date of competition on the same actual day. The committee further confirmed that if any member of a sport team (any level) participates on the permissible one date of competition in the nontraditional segment, that participation must count within the eight-hour maximum limit for athletically related activity for the entire sport (all levels), as well as any prescribed competition limits (e.g., 18 innings in baseball, 120 minutes in lacrosse) for the entire sport (all levels).

[References: NCAA Division III Bylaws 17.1.4.4 (nontraditional segment limitations for baseball, field hockey, lacrosse, soccer, softball and volleyball), 17.2.5.1 (maximum limitations -- institutional), 17.3.5.1 (maximum limitations -- institutional), 17.4.5.1 (maximum limitations -- institutional), 17.5.5.1 (maximum limitations -- institutional), 17.7.5.1 (maximum limitations -- institutional), 17.8.5.1 (maximum limitations -- institutional), 17.9.5.1 (maximum limitations -- institutional), 17.10.5.1 (maximum limitations -- institutional), 17.11.5.1 (maximum limitations -- institutional), 17.12.5.1 (maximum limitations -- institutional), 17.13.5.1 (maximum limitations -- institutional), 17.14.5.1 (maximum limitations -- institutional), 17.15.5.1 (maximum limitations -- institutional), 17.16.5.1 (maximum limitations -- institutional), 17.18.5.1 (maximum limitations -- institutional), 17.19.5.1 (maximum limitations -- institutional), 17.20.5.1 (maximum limitations -- institutional), 17.21.5.1 (maximum limitations - institutional), 17.22.5.1 (maximum limitations -- institutional), 17.26.5.1 (maximum limitations -- institutional) and an official interpretation (4/13/06, Item No. 4), which has been archived]

(2) Effective Date. Immediate.

(3) Rationale. The committee believes this interpretation more clearly demonstrates the current application of the legislation.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

**2. Nonlegislative Items.**

**a. Referral to the NCAA Division III Student-Athlete Advisory Committee - Work Performed Under the Direction or Supervision of a Coaching Staff Member.**

(1) Recommendation. That Management Council refer to the NCAA Division III Student-Athlete Advisory Committee the issue of performing work under the supervision or direction of a coaching staff member and whether that should be considered an athletically related activity.

(2) Effective Date. Immediate.

(3) Rationale. The committee reviewed a staff interpretation [Reference: 10/20/11] related to a student-athlete performing work under the supervision or direction of a coaching staff member. Specifically, the committee discussed scenarios where student-athlete's are participating in field or facility preparation for practice or competition. The committee noted concerns related to whether student-athlete's are being required to perform such work and any impact such work has on the student-athlete's required day off during the playing and practice season or outside the playing and practice season. Based on these concerns, the committee referred the issue to the Student-Athlete Advisory Committee for consideration.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

**b. Referral to NCAA Division III Financial Aid Committee - NCAA Division II Proposal No. 2012-5.**

(1) Recommendation. That Management Council refer to the NCAA Division III Financial Aid Committee NCAA Division II Proposal No. 2012-5 for review and consideration.

(2) Effective Date. Immediate.

(3) Rationale. The committee reviewed Proposal No. 2012-5 as part of its standard review of legislative actions from Divisions I and II. The proposal amends the requirements of permissible financial aid from outside sources that consider athletics as a major criterion. Prior to Proposal No. 2012-5 the relevant bylaws in Divisions II and III were the same. The committee determined the Financial Aid Committee would have the expertise to review the change adopted in Division II for relevance for Division III.

(4) Budget Impact. None.

(5) Student-Athlete Impact. None.

***INFORMATIONAL ITEMS.***

**1.** **Welcome and Announcements.** The new chair, Darryl Sims, welcomed new committee members Jason Fein, Lisa Wisniowicz and noted the new Student-Athlete Advisory Committee representative would be Nathan Love from Hope College.

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

**3.** **Review NCAA Division III Identity Initiative.** The committee reviewed the goals, priorities and action steps within the Division III Strategic Positioning Platform.

**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, Division III Week, tri-annual budget process, issues associated with sickle-cell trait legislation and academic reporting. The committee also received information about proposed opportunity projects to increase minority involvement in athletic administration and professional development.

**5.** **Review of Interpretations and Legislation Committee Policies and Procedures.** The committee revised its policies and procedures to note the timing of posted agenda items and to clarify recusal procedures for conflicts of interest, as well as updated the operating

policy to mirror updates to the Association's mission, vision statements and key priorities. Further, the references to committee minutes were removed to reflect the NCAA national office policy standardizing how committee business is reported to the Association.

**6.** **Review Divisions I, II and III Staff Interpretations.** The committee reviewed staff interpretations issued in Divisions I, II and III between September 2011 and January 2012 and took the following action:

a. Recommended staff review and issue a staff interpretation similar to a Division II staff interpretation [Reference: 12/21/11, Item No. c] clarifying permissible benefits provided by departments outside of athletics to high school, preparatory school and two-year personnel in conjunction with an intercollegiate athletics event;

b. Archived one interpretation [Reference: 10/26/11, Item No. a] relating to text messaging club teams; and

c. Recommended referral of issue set forth in a staff interpretation [Reference: 10/20/11, Item No. b] related to student-athlete's performing work under the supervision or direction of coaching staff members to the Student-Athlete Advisory Committee (See Nonlegislative Action Item No. b).

**7.** **Review Division III Official Interpretations.** The committee reviewed official interpretations issued in Division III between September 2011 and January 2012 and instructed staff to do the following:

- Draft a potential incorporation of official interpretation [Reference: 10/17/11, Item No. 1] regarding recruiting services, for review by the committee.

**8.** **Review Divisions I and II Official Interpretations**. The committee reviewed official interpretations issued in Divisions I and II between September 2011 and January 2012 and did not take any action.

**9.** **Review Divisions I and II Legislative Actions.** The committee reviewed legislative actions in Divisions I and II between September 2011 and January 2012 and made the following recommendations:

a. Division I Proposal No. 2011-63 - Instructed staff to review the issue of post baccalaureate eligibility and present information to committee for review at a future meeting.

b. Division II Proposal No. 2012-5 - Referred to Financial Aid committee (See Nonlegislative Action Item No. b).

c. Division II Proposal No. NC-2012-21 - Instructed staff to review the issue regarding the permissibility of making an off-campus presentation to prospective student-athletes [and their parents] that are not seniors, and present information to the committee at a future meeting.

**10. Review Division III Editorial Revisions**. The committee reviewed editorial revisions issued between September 2011 and January 2012 and took no further action.

**11. Review Division III Educational Columns**. The committee reviewed educational columns issued between September 2011 and January 2012 and took no further action.

**12. Review 2012 NCAA Convention Division III Legislation and Post-Convention Business.**

a. **Question and answer document.** The committee reviewed the question and answer document from the 2012 legislative proposals and instructed staff to do the following:

(1) Convert question number two of Proposal No. 2012-5 into an official interpretation for future review by the committee; and

(2) Combine the questions from Proposal Nos. 2012-7 and 2012-8 into one education column for review by the committee.

b. **Division III Proposal No. NC-2012-15.** The committee reviewed Proposal No. NC-2012-15 and noted the legislation is consistent with the Division III philosophy and remains appropriate legislation. Specifically, the legislation is permissive in nature and does not require additional action from the membership. The legislation takes into account the rising costs of awards and grants greater flexibility for institutions that want to provide the same caliber of award, but were unable due to the costs exceeding the maximum limits. The committee expressed that the awards an institution offers do not come into the recruiting process and therefore the increase does not create a recruiting advantage for those institutions that provide the maximum value award. Consequently, the committee determined that no further action is necessary.

c. **Recruiting presentation.** The committee discussed the National Association of Division III Athletic Administrators Convention Panel discussion "Athletic Recruiting—Finding a Balance that Makes Sense." The committee agreed the

formation of a working group that reports to Management Council should be formed to further develop the concepts raised during that panel discussion. Specifically, the committee agreed the working group should explore alternative recruiting models, including recruiting calendars and restricted evaluations at nonscholastic events, to address the concerns of work life balance for collegiate athletics administrators as well as competitive equity. The committee noted the working group should focus on the impact of athletic and institutional needs, expanding technological resources, and the accelerated evolution of the youth sports culture. The committee recommended the composition of the working groups include a diverse constituency (e.g., admissions representatives, enrollment management administrators, coaches with differing responsibilities (e.g., part-time vs. full time) or whom are at different points within their careers; an athletics director with compliance experience, a Student-Athlete Advisory Committee member, and commissioners of conferences that administer recruiting requirements). Additionally, the committee noted that outside groups that may be impacted should be consulted (e.g., home-schooled prospective student-athletes, prospective student-athletes who are in religion-based educational systems). The committee instructed staff to do the following:

- Draft a formal recommendation for a working group to be reviewed by the committee during its March 22 teleconference.

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

a. **Completion of contest for sports sponsorship.** The committee reviewed an official interpretation [Reference: 06/16/94, Item No. 5] related to the minimum participant requirements for completion of a contest for purposes of sports sponsorship that had been referred to the NCAA Division III Membership Committee. Based on the Membership Committee's recommendation, the Interpretations and Legislation Committee determined the 1994 official interpretation should be archived and an interpretation reflecting that completion of a contest should be dictated by the playing rules of the particular sport. The committee instructed staff to do the following:

- Draft a new interpretation for review by the committee that reflects this position.

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

(1) Two staff interpretations should be archived [Reference: 8/15/87, Item No. h and 4/14/04, Item No. 2]; and

(2) Instructed staff to redraft one official interpretation [Reference: 8/18/82, Item No. 4-c-(4)], for future review by the committee, to reflect the appropriate legislation.

c. **Institution that does not require a paid acceptance or financial deposit for admission or financial aid.** (See Legislative Action Item No. b).

d. **Transfer exception for a student-athlete who is academically ineligible but has not used a season of participation.** The committee reviewed feedback from Student-Athlete Advisory Committee regarding the current transfer legislation that permits a student who is academically ineligible to transfer and be immediately eligible at the certifying institution if he or she has not previously used a season of participation at a Division III institution or participated in intercollegiate athletics at a non-Division III school. Based on the committee's previous discussions and the feedback from the Student-Athlete Advisory Committee, the Interpretations and Legislation Committee decided to table the issue until it has obtained comment from conference commissioners.

e. **Study abroad/foreign exchange considerations.** At its September 2011 meeting, the committee requested that Management Council refer this issue to the individual sport committees for additional input. The committee received an update on this issue and was advised that Management Council referred the issue as requested and the sport committees would be reviewing the matter at their upcoming meetings.

**14. Division III Interpretative Issues.**

a. **Use of a season participation – alumni contest during preseason.** The committee reviewed an issue related to a student-athlete in a sport that does not have a legislated preseason (e.g., track and field, ice hockey, swimming and diving) participating in an alumni contest prior to the first regular season contest and whether or not the student-athlete would use a season of participation for competing in such a contest. The committee determined that there is no competitive advantage by allowing such participation provided it occurs prior to the first regular season contest. The committee instructed staff to do the following:

- Draft an official interpretation for review by the committee.

b. **Automatic qualification grace period.** The committee reviewed the issue of when a conference has seven members declaring each will sponsor the sport [the minimum required for an automatic qualification (AQ), but one or more institutions fail to meet the minimum participant or contest requirements necessary to sponsor the sport and determined that the two-year grace period does not begin until the academic year after the year the conference failed to satisfy the minimum participant or contest requirements. 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. The committee recommended that staff do the following:

(1) Draft an official interpretation clarifying when the grace period begins; and

(2) Draft an educational column to provide examples to the membership of the appropriate application of the legislation.

c. **Nontraditional segment interpretation**. (See Legislative Action Item No. c).

d. **Semiprofessional interpretation.** The committee reviewed an issue related to individuals who have participated on teams that declare themselves to be semiprofessional (e.g., a golfer who competes on the semiprofessional circuit, a basketball player who plays on a semiprofessional team). The committee noted the legislation is silent as to this term and issuing an interpretation could prevent institutions from interpreting the rule more strictly than is needed. The committee recommended staff do the following:

- Issue a staff interpretation clarifying that a team that declares itself to be semiprofessional is not automatically considered a professional team.

**15.** **Educational Calendar**. The committee reviewed the staff's educational initiatives calendar and offered suggestions, including a "how to" on the Legislative Services Database for the Internet (LSDB*i*) and on AMA Online. Additionally, the committee suggested the staff consider using webinars as another educational mechanism.

**16.** **Update on NCAA Division III Manual Production.** The committee received an update regarding the development of an e-Publication for the NCAA Division III Manual as well as the development of an LSDB*i* application for smart phones.

**17.** **Future Meetings**. The committee reviewed its future meeting schedule and changed the date of the March teleconference to March 22 at 2 p.m. Eastern time.

**18. Other Business.** No issues were presented.

**19. Adjournment.** The committee was able to complete its business on February 9 and did not reconvene on February 10.

*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*

| February 9, 2012 | |
|---|---|
| Attendees | Absentees |
| Kurt Beron, University of Texas at Dallas | Nathan Love, Hope College |
| Jason Fein, Drew University | |
| Donna Ledwin, Allegheny Mountain Collegiate Conference | |
| John Meany, Worcester State University | |
| Julie Muller, North Atlantic Conference | |
| Darryl Sims, University of Wisconsin, Oshkosh, chair | |
| Lisa Wisniowicz, Aurora University | |
| Other Participants:<br>Gary Brown, NCAA<br>Azure Davey, NCAA<br>Dan Dutcher, NCAA<br>Brandy Hataway, NCAA<br>Louise McCleary, NCAA<br>Jeff Myers, NCAA<br>Kristin Nesbitt, NCAA | |