

**REPORT OF THE
NCAA DIVISION III FACULTY ATHLETICS REPRESENTATIVE
ADVISORY GROUP
SEPTEMBER 8, 2020, TELECONFERENCE**

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Approval of report from June 9, 2020 teleconference.** The report was approved.
2. **Discussion of full-time enrollment and alternative course work interpretive issue.** NCAA staff presented the group with a request from the Division III Interpretations and Legislation Committee regarding student-athletes enrolled in non-credit course work and if those courses can be used to determine if the student-athlete is considered enrolled full time for practice and in 12 semester or quarter hours for competition. The committee sought the FAR perspective.

There were two questions the group responded to:

1. Should a Division III student-athlete be permitted to use noncredit (remedial) and/or nontraditional course work to satisfy the full-time enrollment requirement for practice and/or competition?
2. If yes, what conditions, if any, should be required for those types of courses to be used to satisfy the full-time enrollment requirement for practice and/or competition?

The advisory group indicated Division III student-athletes should be permitted to use noncredit (remedial) and/or nontraditional course work to satisfy the full-time enrollment requirement. Instructional delivery methods are rapidly changing in higher education due to the COVID-19 pandemic, shifting student demographics and institutional response to higher education marketplace changes. The group noted the distinction between noncredit work and nontraditional courses. They also noted it is common for noncredit remedial course work to be integrated into a degree program and the continual expansion of nontraditional courses to the point where the term “nontraditional” may be obsolete. The group affirmed Division III student-athletes should be able to utilize these instructional opportunities when full-time enrollment status is determined.

The advisory group reviewed the applicable Division I and Division II legislation, interpretations and educational columns since it is permissible for Division I and Division II student-athletes to use noncredit and nontraditional course work to satisfy the full-time enrollment requirement. The group agreed with the conditions related to the use of nontraditional courses as detailed in Division I Bylaw 14.2.26 and Division II Bylaw 14.1.7.1.6 and supported the consideration of these conditions for potential Division III legislation.

3. **Discussion of Name, Image and Likeness (NIL) Convention Legislation.** The advisory group reviewed materials informing the NIL legislation to be considered by the Division III membership. It was clear to the group that while some may disagree philosophically with permitting Division III student-athletes to use their name, image and likeness in the promotion of work products, services and endorsements, the likelihood of adoption of the legislation is very high. Therefore, the group focused their discussion on the implementation of legislation at the Division III campus level. The group noted that tension within campus and athletics administrations and with student-athletes as it relates to the use of institutional marks will be inevitable. The onus is clearly on the institutions to determine what is appropriate given the multitude of factors at the local level and across the Division III membership. Compliance responsibility was also cited as a challenge given the limited compliance resources at most Division III institutions and the quickly evolving marketplace. The group asserted the division should be focused on minimizing the disparate impact this legislation may have on member institutions as the formal vote on the legislation approaches and as implementation begins.
4. **Election of Advisory Group chair.** Hope Bussenius, Faculty Athletics Representative and Assistant Professor at the Nell Hodgson Woodruff School of Nursing at Emory University, was elected chair of the Advisory Group.
5. **Other Business.** It was noted that the next quarterly meeting will be held December 8, 2020 at 2 p.m. Eastern and conducted via videoconference.
6. **Adjournment.** The meeting adjourned at 3:00 p.m.

Advisory Group Chair: Charles Brown, Penn State, Behrend

Staff Liaison: Eric Hartung, Research

| NCAA DIVISION III FACULTY ATHLETICS REPRESENTATIVE ADVISORY GROUP SEPTEMBER 8, 2020 | |
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| Attendees | Absentees |
| Kurt Beron, University of Texas, Dallas | Charles Brown, Penn State, Behrend |
| Hope Bussenius, Emory University | |
| Judy Hopp, University of Wisconsin, Stout | |
| Mike Litz, Penn State, Abington | |
| Wanda Rutledge, New Jersey City University | |
| Mike Snyder, Illinois College | |
| Kim Wenger, Northwest Conference | |
| NCAA Staff Support in Attendance: | |
| Eric Hartung | |