

MINUTES OF THE
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION
DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE

NCAA National Office
Indianapolis, Indiana

June 14-15, 2006

Participants:

Amy Buxbaum, Chatham College
Robert Coleman, City College of New York
Alexis Fink, University of Wisconsin, La Crosse
Kent Reeves, East Texas Baptist University
Terry Rupert, Wilmington College (Ohio)
Andrea Savage, New England Small College Athletic Conference
Sandra K. Slabik, Neumann College, chair
Matt Banker, NCAA, recording secretary
Leah Nilsson, NCAA

Bridget Belgiovine, NCAA, Nick Castro, NCAA, and Dan Dutcher, NCAA, attended portions of this meeting.

[Note: These minutes contain only actions taken (formal votes or stated "sense of the meeting") in accordance with NCAA policy regarding minutes of all Association entities. While certain items on the committee's agenda were acted on at various times throughout the meeting, all final actions within a given topic are combined in these minutes for convenience or reference.]

Wednesday, June 14

The NCAA Division III Interpretations and Legislation Committee teleconference was called to order at 8 a.m. Eastern time by the chair, Ms. Slabik. All members were present as noted above.

1. Welcome and Announcements. Ms. Slabik welcomed the committee and staff to the meeting and specifically welcomed Nick Castro from the NCAA staff as a new member of the Division III staff.

2. Review of Previous Minutes. The committee reviewed the minutes as drafted and took the following action:

It was VOTED

"That the April 13 Web conference minutes be approved."

3. Division III Interpretations and Legislation Committee's Policies and Procedures Guide. The committee reviewed its policies and procedures guide and noted that this is a working document subject to future revisions. The committee accepted the information.
4. Division III Staff Interpretations. The committee reviewed a May 3, 2006, staff interpretation (item ref: a) and took no action. The committee reviewed a February 22, 2006, staff interpretation (item ref: c) and took the following action:

It was VOTED

"To archive the February 22, 2006, staff interpretation (item ref: c) and to recommend noncontroversial legislation to specify that an institution must grant or deny permission to contact within 14 days of the student-athlete requesting permission to contact. Further, in the case of a denial, the student-athlete shall be informed of his or her right to a hearing within 14 days of the initial request." [References: Bylaw 13.1.1.2 (four-year college prospects), Bylaw 13.1.1.2.2 (hearing opportunity), and a February 22, 2006, staff interpretation (item ref: c) which has been archived.]

5. Review Recent NCAA Divisions I, II and III Official Interpretations. The committee reviewed and discussed recent Division III official interpretations for incorporation in the NCAA Division III Manual. The committee took the following actions:

It was VOTED

"To editorially revise the following Division III official interpretations as specified:

- a. Athletics Eligibility and Suspension by Athletics Department Staff Member (III). (2/6/2006 official interpretation.) The committee determined that if a student-athlete is declared athletically ineligible by the athletics department staff member (e.g., coach or athletics director suspension) the student-athlete is considered athletically ineligible in any sport at the institution for transfer and eligibility purposes (e.g., qualifying for transfer exception) only if the athletics department decision on the student-athlete's athletics eligibility is considered an institutional decision as determined by the institutional entity that oversees athletics department-wide decisions (e.g., dean of student services, athletics board, student services appellate

- committee). [References: Bylaws 14.5.1 (residence requirement - general principle), 14.5.1.1 (exception) and 14.5.1.4 (disciplinary suspension).]
- b. Institutional Coaches Involved with Prospective Student-Athletes in a Local Sports Club Participating in a Sport Other Than the Coach's Sport. (3/8/06 official interpretation). The committee determined that an institution's coaching staff member may be involved with a local sports club located in the institution's home community that includes prospective student-athlete participating in any sport, provided those prospective student-athletes live within a 50-mile radius of the member institution's campus. For example, an institution's men's soccer coach is permitted to coach a local sports club team in men's golf or women's soccer, provided all prospective student-athletes participating on the team reside within 50 miles of the institution." [Reference: Division III Bylaws 13.11.1 (prohibited activities) and 13.11.2.3 (local sports clubs).]

The committee also reviewed Division III official interpretations from February 2, 2006 (item ref: 7a), (item ref: 11a), and (item ref: 7b) and Division II and III official interpretations from December 2005 through March 2006 and took no action.

6. Review Recent Divisions I and II Legislative Actions.

The committee reviewed the following Divisions I and II legislative actions and took the following action:

It was VOTED

"To sponsor 2007 NCAA Convention legislation to prohibit an institution from hosting or sponsoring a tryout camp, clinic, group workout or combine event at any location. [Reference: Bylaw 13.11.1.5 (tryout camp) and NCAA Division I Proposal 2005-155];

To adopt an editorial revision to remove the official church mission definition per Bylaw 14.0.2.2. [Reference: Division III Bylaw 14.02.2 (church mission, official)]; and

To adopt noncontroversial legislation to eliminate the requirement that a student-athlete receive prior approval for summer courses completed at other institutions to use the summer credits to meet satisfactory academic progress. [References: Division III Bylaw 14.4.1.3 and Division I Proposal 2005-61.]"

The committee reviewed the following Divisions I and II legislative actions and took no action:

NCAA Proposal No. 2005-25;

Proposal No. 2005-69;
Proposal No. 2005-71;
Proposal No. 2005-154;
Proposal No. 2005-159;
Proposal No. 2005-151;
Proposal No. 2005-73;
Proposal No. 2005-106;
Proposal No. 2005-84;
Proposal No. 2005-81;
Proposal No. 2005-100; and
NCAA 2006 Convention Division II Proposal No. NC-4.

7. Review Recent Division III Editorial Revisions. The committee reviewed editorial revisions and were reminded by NCAA staff that the committee delegated authority to NCAA staff to make editorial revisions. The committee continues to review editorial revisions on a regular basis. The committee accepted the update on editorial revisions.

8. Consider Division III Legislative and Interpretive Issues:
 - a. NCAA Bylaws 15.4.1 and 15.4.1.1 and Failure to Submit Acceptable Reports. The NCAA staff that explained the NCAA Division III Financial Aid Committee cited institutions with violating Division III Bylaw 15.4.1.1 when the institution did not provide an adequate written justification of its financial aid variance. The Division III Financial Aid Committee advised it will not cite institutions for violating Bylaw 15.4.1.1 unless the institution did not submit its complete and correct financial aid data by the specified deadline. The committee accepted this information and took no action.

 - b. Review Coaching Career Educational Programs as Benefit for Student-Athletes. The committee reviewed Proposal No. 2004-28 that permits an institution to provide expenses to a student-athlete to attend a women's basketball coaching symposium as specified. The committee discussed the merits of institutional funding for coaching and administration programs and took the following action:

It was VOTED

"To adopt with a retroactive effective date noncontroversial legislation to permit an institution to provide actual and necessary expenses to attend coaching and athletics administration career educational programs. These programs shall provide instruction on coaching and administrative skills and principles as well as provide mentoring programs for the participants. Programs shall also be designed to instruct participants

on the creation of a coaching and administrative philosophy, the roles and responsibilities of a coach and/or administrator, effective communication, teaching techniques, safety issues, development of practice plans, skill analysis, skill development and physical preparation of players. (e.g., WBCA - So You Want To Be A Coach, Black Women in Sports Foundation - Next Step Program, USOC - Minority/Women in Coaching Leadership, Division III Coaching Symposiums)." [References: Division III Bylaw 16.11 (benefits, gifts and expenses) and Proposal 2004-28.]

- c. Review Bylaw 14.1.9 and Combined Bachelors and Masters/Doctoral Programs. The committee discussed the proliferation of baccalaureate/masters degree programs that change the student's status from undergraduate and to graduate or professional student in their third or second year. The committee recommended the NCAA Division III Administrative Review Subcommittee continue to review these situations on a case by case basis with the option to review case precedent involving students in these three plus three or two plus four degree programs that merge undergraduate and graduate/professional degree programs into one multi-year program. The committee took no action.
- d. Review Good Academic Standing and October 1, 2003, Educational Column. The committee reviewed the October 1, 2003 education column and Bylaw 14.02.5 addressing the definition of good academic standing and satisfactory progress and the discretion left to institutions to determine the application of these terms. The committee recognized the value in maintaining institutional autonomy when defining good academic standing, satisfactory progress and whether student-athletes could remain athletically eligible when they are not in good academic standing. The committee took no action.
- e. Review July 19, 1989, Staff Interpretation and Power Lifting Clinics. The committee reviewed Division III Bylaw 13.11.1.5 (tryout camps) and issues related to permissible strength and conditioning-type testing to occur at institutional camps. The committee confirmed that camps and clinics should not be devoted to testing athletics ability and should emphasize instructional and educational components. The committee recommended that NCAA staff draft an education column.
- f. Videotaping Prospective Student-Athletes at Camps or Private Lessons. The committee reviewed the issue of videotaping prospective student-athletes involvement with camps, clinics, or private lessons and took the following action:

It was VOTED

"That the NCAA Division III Management Council approve an official interpretation, as follows:

Videotaping Prospective Student-Athletes at Camps or Private Lessons (III). The committee determined that a prospective student-athlete may receive a videotape of their participation in a camp, clinic, and/or private lesson so long as the cost of the videotape is included in the camp, clinic, and/or private lesson fee and the videotape is not be distributed or sold by the camp, clinic, or private lesson administrator to an institution or recruiting or scouting service." [References: Division III Bylaw 13.11.3.7 (private lessons); a February 18, 1994, staff interpretation (item ref: a) which has been archived; and a February 3, 2005, official interpretation (item ref: 1), which has been archived.]

9. Review Recent Division III Educational Columns and Hot Topics. The committee reviewed recent education columns and recommended Division III education columns be separated from Division I and II education columns which tend to overshadow or confuse the specific application and explanation of the Division III legislation.

The committee recommended future education columns address the graduate student/postbaccaluatee legislation and the definition of entity or authority that oversees athletics for purposes of determining a student-athlete is not in good athletics standing.

10. Review Division III Strategic Plan. The committee reviewed the Division III strategic plan noting that updates to the strategic plan are indicated in bold. The committee accepted this information and took no action.

11. Review Legislative and Interpretative Process Issues.

- a. Threshold for Proposal Sponsorship. The committee discussed the threshold for membership sponsored proposals noting that only eight institutions or one conference is required to sponsor a legislative proposal for vote at the annual NCAA Convention. The committee concurred that Division III is the largest division (likely to grow to approximately 450 active institutions in the next few years) and has the lowest threshold for legislative sponsorship. The committee took the following action:

It was VOTED

"To sponsor 2007 Convention Legislation that increases the threshold for membership sponsored proposals to 20 active member institutions or member conferences representing at least 20 active member institutions." [References: Division III Constitution 5.3.4.1 (amendment) and Division III Constitution 5.3.4.2 (amendment-to-amendment).]

- b. Legislative Cycle Project Team. The committee reviewed the results of a staff driven legislative cycle project team that reviewed the frequency and potential reduction of Management and NCAA Division III Presidents Council meetings, the timing of Convention, and the potential impact on the reporting of governance structure meetings if council meetings are reduced or timelines amended. The committee also reviewed a proposal (Option A) to change the timing of the legislative cycle in Divisions II and III that includes elimination of April Management Council meeting and establishing a new legislation submission deadline (September 1). This proposal would also reduce time for sponsor modifications and eliminate the formal publication of the initial and second publication of proposed legislation. The committee recognized the value of having additional time to submit a membership sponsored proposal while noting the preparation time for reviewing legislation prior to Convention is reduced. The committee also reviewed another proposal (Option B) to revise the legislative cycle by moving the membership sponsored deadline to June 1, to move the Presidents Council deadline for sponsored proposals to October 31, and reduce the number of Management Council meetings from four to three by eliminating April Management Council meeting. The committee reviewed a third option (Option C) which would set July 1 as the deadline for membership sponsored proposals and mid-October for sponsorship deadline for Presidents Council.

The committee recommended not changing the July 15 legislative deadline because the alternative dates would not provide conferences, the NCAA Division III Student-Athlete Advisory Committee, and institutional presidents sufficient opportunity to propose legislation and subsequently review and discuss proposed legislation submitted by other division members. The committee accepted the information and took no action on the alternative legislative cycle options.

- c. Effective Date of Non-Convention Legislation and Official Interpretations. The committee reviewed the date on which an official interpretation is issued and posted on LSDBi (legislative services database for the internet). The committee considered the notice and due process considerations underlying the dissemination and date of an official interpretation and recommended the date of the official interpretation should note when the official interpretation is posted on LSDBi.

The committee also discussed the review and adoption of legislation including noncontroversial, administrative regulations, incorporations of official interpretations and modifications of wording. The committee agreed that this type of legislation (which becomes effective immediately) should be dated and binding on institutions on the day it is posted in final legislative form on LSDBi noting that LSDBi serves as the primary portal for all updates to legislation and interpretations. The committee took no action.

12. Consider Committee Authority Over Bylaw 17 Playing and Practice Seasons Issues. The committee discussed which entity within the Division III governance structure should review Bylaw 17 issues. The committee recognized that the Playing and Practice Seasons Subcommittee was originally created by the Management Council in 1999 to address Bylaw 17 issues, including the length of the nontraditional segment, that were ultimately addressed at the 2004 NCAA Convention. The committee recognized it has previously reviewed Bylaw 17 issues referred to it by the playing and practice seasons subcommittee. The committee took the following action:

It was VOTED

"To disband the playing and practice seasons subcommittee, to refer all Bylaw 17 interpretative and legislative issues through the Interpretations and Legislation Committee, and increase the committee size by one member who also serves on the Championships Committee." [References: Division III Bylaw 21.9.6.7.1 (composition)].

13. Other Business.

- a. Fund-raising and Community Service. The committee reviewed the current application of athletically related activities that include fund-raising or community service activities ancillary to participation in the sport. The committee recognized that these activities are similar to academic or compliance related meetings in terms of the connection to athletics participation and took the following action:

It was VOTED

"That the NCAA Division III Management Council adopt an official interpretation, as follows:

"Community service and fund-raising activities not considered athletically related activities. (III) The committee determined that a team's fund-raising or community service activities shall not be considered athletically related activities and must receive approval from the athletics director (or their designee) prior to the activity." [References: Division III Bylaw 17.02.1.1 (athletically related activities)]

- b. Foreign Tour. The committee discussed the May 5, 1995, official interpretation (item ref: 4) which prohibits an institution from providing a list of its athletics representatives (e.g., boosters) to student-athletes for the purpose of contacting such individuals to participate in fund-raising activities on behalf of outside athletics organization. The committee noted that an education column should be issued on this prohibition noting the NCAA staff erroneously advised regional rules seminar

attendees that institutions could provide a list of athletics representatives to student-athletes.

The committee also discussed whether institutions should be permitted to provide funds to an outside athletics organization when a student-athlete from its institution is soliciting as part of a fund-raiser to participate on a foreign tour with this outside athletics organization. The committee took the following action:

It was VOTED

"That the NCAA Division III Management Council approve an official interpretation, as follows:

Institutions may not donate funds to third-party athletics tour operators. (III) The committee determined that an institution (including institutional coaching staff members) may not make a donation to an outside organization to defray expenses for the organization's competitive tour if a student-athlete from that institution will be a participant on the tour, even if the donation is not made specifically for use by the student-athlete." [References: Division III Bylaw 16.8.1.3 (outside competition); 16.01.1. (eligibility effect of violation); and an August 7, 1992 Division I official interpretation (item ref: 9-a-(5)).]

- c. Recruiting Materials. The committee discussed the application of Bylaw 13.4.1 (recruiting materials) as it relates to the definition of institutionally published or produced recruiting material and whether an institution may use, or pay for, a third-party vendor to actually produce the recruiting materials including electronically produced recruiting materials (e.g., coach web-streamed videos, electronic birthday/greeting cards, electronic publishing template or software program). The committee noted that official institutionally produced or published recruiting materials include any publication in which the institution has sole control over the content and design of the publication regardless of whether the actual printing and/or development of the publication is done by the institution. The committee further noted that institutional publications include any recruiting material or publication that is created or produced by institutional employees including athletics coaches and administrators. The committee recommended NCAA staff issue an education column to provide further guidance to the Division III membership regarding the parameters of recruiting materials per Bylaw 13.4.1. The committee took no action.

14. Future Meeting and Teleconference Schedule. The committee identified the following dates and times for future teleconferences and in-person meeting:
- a. July 14, 2006, 11 a.m. Eastern time – Teleconference;
 - b. August 9, 2006, 11 a.m. Eastern time – Teleconference;
 - c. September 20, 2006, Noon Eastern time – Teleconference;
 - d. October 19, 2006, 2 p.m. Eastern time – Teleconference;
 - e. November 29, 2006, 12 p.m. Eastern time – Teleconference; and
 - f. February 1-2, 2007 – In-person meeting (San Antonio).
15. Adjournment. The committee moved to adjourn the meeting at 11:56 a.m. Eastern time.

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