

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

Teleconference

October 19, 2006

Participants:

Amy Buxbaum, Chatham College
Robert Coleman, Whittier College
Portia Lowe, Lake Forest College
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
Steven Suggs, Stevens Institute of Technology
Matt Banker, NCAA
Jay Jones, NCAA, recording secretary

[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 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.]

Thursday, October 19

The NCAA Division III Interpretations and Legislation Committee teleconference was called to order at 2:05 p.m. Eastern time by the chair, Ms. Slabik. All members were present as noted above.

1. Welcome and announcements. No announcements.

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

It was VOTED

"That the September 20 teleconference minutes be approved as presented."

3. Review application of hardship waivers granted by a non-NCAA organization. The committee reviewed and discussed whether Division III institutions should honor hardship waivers granted by other organizations [e.g., National Association of Intercollegiate Athletics (NAIA), National Junior College Athletic Association (NJCAA)] and whether the policy regarding hardship waivers from other organizations should be more clearly articulated in NCAA Bylaw 14. The committee took the following action:

It was VOTED

"To issue the following Division III official interpretation as specified:

- Administration of hardship waiver for injury or illness occurring at a non-NCAA institution. (III) The committee determined that when a student-athlete suffers an incapacitating injury or illness during a season of intercollegiate competition at a non-NCAA institution (e.g., two-year college, NAIA four-year college), is granted a hardship waiver based on criteria established by the non-NCAA institution's athletics association (e.g., NJCAA) and subsequently transfers, it is not necessary for the NCAA institution to reapply for a hardship waiver for the same season of competition through its conference office or, in the case of an independent member institution, the NCAA Division III Committee on Student-Athlete Reinstatement. The committee noted that the association of the institution where the student suffered the injury should dictate what standards should have been applied in applying the criteria for the hardship waiver. [References: Division III Bylaws 14.2.5 (hardship waiver) and 14.2.5.1 (administration of hardship waiver) and a staff interpretation (reference: 9/27/06, item 2), which has been archived for Division III.]
4. Review of equipment incidental to athletics participation. The committee discussed whether noncontroversial legislation should be proposed to specify that a Division III institution may provide athletics equipment and apparel for student-athlete use, provided the equipment and apparel are incidental to the student's participation. Specifically, the committee reviewed two official interpretations (references: 10/21/93, Item No. 1 and 6/27/05, Item No. 3c) and a staff interpretation (reference: 7/28/94, item 7). The committee concurred that the Division III Bylaw 16.11.1.7 (retention of athletics apparel and equipment), in combination with the interpretations, adequately address the provision of athletics equipment and apparel for Division III student-athletes. The committee took no action.

5. Review use of a student-athlete's name or picture. The committee reviewed Division III Bylaws 12.5.1.1.6 (use of a student-athlete's name or picture without knowledge or permission) and 12.5.1.4.3 (use of a student-athlete's name or picture without knowledge or permission) and discussed whether there should be multiple bylaws concerning the use of a student-athlete's name or picture without knowledge or permission of the student-athlete. Specifically, the committee noted that during the 2007 NCAA legislative cycle, the committee recommended that a photograph of a student-athlete, taken without his or her knowledge or permission, does not affect eligibility for intercollegiate athletics when an individual or agency sells the photograph for private use. The NCAA staff drafted the proposal to amend only Bylaw 12.5.1.1.6 and did not include Bylaw 12.5.1.4.3 within the drafted proposal, even though the context of the two bylaws is essentially the same. The committee noted that the two bylaws were adopted in 2002 and were purposefully inserted into the NCAA Division III Manual twice. Bylaw 12.5.1.1.6 is in a section that generally applies to institutional, charitable or nonprofit promotions, while Bylaw 12.5.1.4.3 is in a section related to commercial advertisements. The committee tabled the discussion of possibly combining the two bylaws. Further, the committee took the following action:

It was VOTED

"To issue a modification of wording to Division III Bylaw 12.5.1.4.3 to specify that such steps are not required for a student-athlete to retain his or her eligibility when the student-athlete's photograph is sold by an individual or agency (e.g., private photographer, news agency) for private use."

6. Review of official-visit and unofficial-visit legislation. The committee reviewed the concept of combining the official-visit and unofficial-visit legislation into one bylaw within the Division III Manual. Specifically, the committee looked at refining the language within the legislation to define what constitutes the difference between an official and an unofficial visit and to possibly eliminate some of the duplication of language within the legislation. The committee supported the concept of moving the transportation legislation from two separate areas into one grouping within the Manual and to work on creating a legislative chart that distinguishes the differences between official and unofficial visits. The committee requested that the NCAA staff develop these concepts for review at a later time.
7. Review designation of degree program prior to a Division III transfer. The committee reviewed whether a student-athlete departing from a Division III institution should be required to formally declare a degree program for purposes of certifying transfer eligibility prior to transferring out if the student-athlete has triggered the institution's requirement for

all student-athletes in which a student-athlete must declare a degree program by a certain point (e.g., third year of enrollment). The committee concurred that the decision of what constitutes "good academic standing" needed to be handled by the institution from which the student-athlete was transferring, including procedural formalities like declaring a degree program. The committee took no action.

8. Adjournment. Ms. Slabik noted that the next committee teleconference is scheduled for noon Eastern time November 29. The committee adjourned the teleconference at 3:20 p.m. Eastern time.

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