

REPORT OF THE
NCAA DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE

ACTION ITEMS.

• **Legislative Action Items.**

a. 2007 NCAA Convention Legislation—NCAA Constitution 5.3.4.1 (Amendment) and 5.3.4.2 (Amendment-to-Amendment).

- (1) Recommendation. Sponsor legislation for the 2007 Convention to amend Constitution 5.3.4.1 (amendment) and 5.3.4.2 (amendment-to-amendment) to increase the threshold for membership-sponsored proposals to 20 active member institutions or member conferences representing at least 20 active member institutions.
- (2) Effective Date. Immediate.
- (3) Rationale. In order to protect the membership from special interest legislation, the proposal sponsorship threshold should be greater than the current level of eight institutions, which is less than two percent of the membership. A sponsorship threshold of 20 institutions represents approximately five percent of the Division III membership. The process of seeking acceptance and support from other institutions and conferences should increase pre-Convention legislative dialogue, and improve the quality of legislative concepts submitted for membership vote.
- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. None.

b. 2007 Convention Legislation—NCAA Bylaw 13.11.1.5 (Tryout Camp).

- (1) Recommendation. Sponsor legislation for the 2007 Convention to amend Bylaw 13.11.1.5 (tryout camp) to prohibit an institution from hosting or sponsoring a tryout camp, clinic, group workout or combine event at any location.
- (2) Effective Date. August 1, 2007.
- (3) Rationale. Current legislation prohibits an institution from conducting a tryout camp that is intended to test the agility, flexibility, speed and strength of prospective student-athletes. However, institutions are not prohibited from hosting tryout camps conducted by a noninstitutional

entity. The involvement of some institutions in hosting these tryout events creates pressure for other institutions to also serve as hosts for tryout camps. Adding hosting and sponsoring tryout camps to the list of prohibited recruiting activities will extend the tryout camp prohibition to meet the expectation of the original legislation.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

c. Noncontroversial Legislation—Bylaws 13.1.1.2 (Four-Year College Prospects) and 13.1.1.2.2 (Hearing Opportunity).

(1) Recommendation. Adopt noncontroversial legislation to amend Bylaws 13.1.1.2 (four-year college prospects) and 13.1.1.2.2 (hearing opportunity 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.

(2) Effective Date. Immediate.

(3) Rationale. This proposal establishes a specific, reasonable period of time by which an institution must respond to a student-athlete's request for permission to contact another institution about the opportunity of transferring, and in the case of a denial, to inform the student-athlete of his or her right to a hearing. This will help to streamline the transfer communication process in cases where institutions had been delaying decisions regarding permission to contact.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. This proposal would improve student-athlete well being by providing a student-athlete with more timely information about his or her ability to communicate with other institutions about the opportunity to transfer.

d. Noncontroversial Legislation—Bylaw 14.4.3.4.4 (Prior Approval).

- (1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 14.4.3.4.4 (prior approval) to eliminate the requirement that a student-athlete receive prior approval for summer courses completed at other institutions to use the credits to meet satisfactory academic progress.
- (2) Effective Date. Immediate
- (3) Rationale. The current legislation requiring prior approval of summer courses is unnecessary, as most institutions have internal policies and procedures requiring student-athletes to receive approval for any course to be completed at another institution for transferable credit. The original concerns that resulted in the current requirement are addressed by institutional requirements. The removal of the prior approval requirement will result in less paperwork for institutions and will eliminate a potential delay in the certification of a student-athlete's eligibility.
- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. This proposal reduces administrative burden on student-athletes and treats them more consistently with the general student body.

e. Noncontroversial Legislation—Bylaw 16.11 (Benefits, Gifts and Expenses).

- (1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 16.11 (benefits, gifts and expenses) to permit an institution to provide actual and necessary expenses to attend coaching and athletics administration career educational programs. Such programs should provide seminars and workshops that provide instruction on coaching and administrative skills and principles as well as provide mentoring programs for the participants. Programs should 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 communications, teaching techniques, safety issues, development of practice plans, skill analysis, skill development and physical preparation of players (e.g. Women's Basketball Coaches Association - So You Want To Be A Coach, Black Women in Sports Foundation - Next Step Program, United States Olympic Committee - Minority/Women in Coaching Leadership, Division III Coaching Symposiums).

- (2) Effective Date. Immediate.
- (3) Rationale. Coaching and athletics administration career educational programs present an opportunity for student-athletes to learn more about the coaching profession and to explore the possibility of coaching as a career option. In the past, NCAA Divisions I, II and III Management Council Administrative Review Subcommittee waivers have been granted to allow institutions to provide expenses to assist students in attending these types of programs. This proposal would eliminate the need for all institutions to seek a waiver from Administrative Review Subcommittee to fund student-athlete's participation in such events.
- (4) Estimated Budget Impact. Minimal. Legislation is permissive and would allow institutions to pay actual and necessary expenses associated with the educational seminar.
- (5) Student-Athlete Impact. This proposal enhances student-athlete well-being by providing access to professional development programming in the areas of coaching and athletics administration. The activity would occur at the request of the student-athlete and time away from campus would be limited to time at the event, plus any relevant travel time.

f. Noncontroversial Legislation—Bylaw 21.9.6.7.1 (Composition).

- (1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 21.9.6.7.1 (composition) to increase the size of the Interpretations and Legislation Committee by one member who also serves on the NCAA Division III Championships Committee.
- (2) Effective Date. Immediate.
- (3) Rationale. The addition of one member to Interpretations and Legislation Committee is intended to help absorb the workload created by eliminating the NCAA Division III Management Council Playing and Practice Seasons Subcommittee, and referring all Bylaw 17 playing and practice season issues to the Interpretations and Legislation Committee. Because of the overlap with sport specific and championship issues, the Interpretations and Legislation Committee would benefit from the perspective of a Championships Committee member. 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 Convention. This proposal is consistent with the NCAA Executive Committee directive to reduce and streamline the number of NCAA committees and committee meetings.

- (4) Estimated Budget Impact. Committee meal and potential travel savings by eliminating four annual Playing and Practice Seasons Subcommittee meetings.
- (5) Student-Athlete Impact. None.

g. Interpretation of Videotaping Prospects at Camps or Private Lessons.

- (1) Recommendation. Approve the following official interpretation:

Videotaping Prospects at Camps or Private Lessons (III). The committee determined that an institution may provide to a prospective student-athlete 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 distributed or sold by the camp, clinic or private lesson administrator to an institution or recruiting or scouting service. [References: Bylaw 13.11.3.7 (private lessons); a February 18, 1994, staff interpretation (Item a) which has been archived; and a February 3, 2005, official interpretation (Item No. 1) which has been archived]

- (2) Effective Date. Immediate.
- (3) Rationale. Institutions had been permitted to videotape noncompetition activities at camps and clinics. This interpretation permits institutions, under specified conditions, to videotape any activity at the camp or clinic and provide that videotape to the prospect, recognizing that in some sports, the best way to provide instruction and feedback on athletics performance may be to analyze the prospect's performance in the competitive activity.
- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. None.

h. Interpretation of Fund-Raising and Community Service not Considered Athletically Related Activities.

- (1) Recommendation. Approve the following official interpretation:

Community service and fund-raising activities not considered athletically related activities (III). The committee determined that a team's required 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: Bylaw 17.02.1.1 (athletically related activities)]

- (2) Effective Date. Immediate.

- (3) Rationale. Fund-raising and community service activities are similar to academic or compliance-related meetings in terms of the connection to athletics participation and therefore should not be subject to playing and practice seasons limitations. Approval from the athletics director is required to protect student-athletes from an unreasonable proliferation of required community service or fundraising activities.

- (4) Estimated Budget Impact. Student-athletes and institution may be better able to fundraise as a result of this interpretation.

- (5) Student-Athlete Impact. Student-athletes may be involved in more fund-raising or community service activities since those could be required outside the declared playing and practice season.

i. Interpretation of Fund-Raising for an Outside Team Tour.

- (1) Recommendation. Approve the following official interpretation:

Institutions may not donate funds to third-party athletics tour operators. (III). The committee confirmed 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: Bylaws 16.8.1.3 (outside competition) and 16.01.1.

(eligibility effect of violation); and an August 7, 1992, Division I official interpretation (Item No. 9-a-(5))]

- (2) Effective Date. Immediate.
- (3) Rationale. Institutional funding of an outside team tour is not permissible. Institutional coaching staff members are themselves representatives of the institution's athletics interests and are not permitted to make donations to fund a student-athlete's participation in an outside tour.
- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. None.

j. Interpretation of Application of Contests Limitations for Multiple Teams in One Sport during the Traditional and Nontraditional Segments.

- (1) Recommendation. Approve the following official interpretation:

Application of Contests Limitations for Multiple Teams in One Sport during the Traditional and Nontraditional Segments (III). The committee determined that multiple teams in one sport (e.g., varsity soccer, junior-varsity soccer, freshman soccer) at an institution may participate separately in the prescribed number of contests or scrimmages during the traditional segment with outside competition. The committee confirmed that, in baseball, field hockey, lacrosse, soccer, softball and women's volleyball, each sport team is permitted to have 16 days of athletically related activity per sport during the nontraditional segment and that all levels of teams (e.g., freshmen, junior varsity, varsity) within a sport would be treated as the same sport. Therefore, if any member (any level) of a team participates in athletically related activities on a particular day, that day must count as one of the 16 days for the entire sport (all levels). The committee further confirmed that an institution's multiple teams in one sport (e.g., freshman, junior varsity, varsity) that use the permissible one date of competition in the nontraditional segment must use its permissible one date of competition on the same actual day. [References: Bylaws 17.1.9.4 (traditional and nontraditional segment length - baseball, field hockey, lacrosse, soccer, softball and women's volleyball) and 17.5.1 (maximum limitations – institutional); and a July 9, 1987, official interpretation (Reference: Item No. 8) which has been archived]

- (2) Effective Date. Immediate.
- (3) Rationale. While multiple teams in a sport (e.g., varsity, junior varsity, freshman) are permitted to apply contests limitations separately in the traditional segment, the declared weeks must be the same for the entire sport. In those sports that are permitted a maximum of 16 days of athletically related activity in the nontraditional segment, the one permissible date of competition in the nontraditional segment must be the same for each team (e.g., varsity, junior varsity, freshman) similar to the requirement that each team in the sport must use the same 16 days of athletically related activity.
- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. None.

INFORMATIONAL ITEMS.

1. **Combined Bachelors and Masters/Doctoral Programs.** The committee discussed the proliferation of baccalaureate/masters degree programs that change the student's status from undergraduate to graduate or professional in their second or third year. The committee recommended that the 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.
2. **Educational Columns and Hot Topics.** The committee reviewed recent education columns and recommended that 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 to address the following:
 - a. Graduate student/postbaccalaureate legislation;
 - b. The definition of the entity or authority that oversees athletics for purposes of determining a student-athlete is not in good athletics standing;
 - c. Permissible activities during a strength and conditioning camp;

- d. Institutional involvement and permissible fund raising activities for outside team foreign tours; and
 - e. Permissible recruiting materials to be provided to student-athletes.
3. **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 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 to change the timing of the legislative cycle in Divisions II and III that includes elimination of the 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 Publications 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 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 the April Management Council meeting. The committee reviewed a third option which would set July 1 as the deadline for membership sponsored proposals and mid-October for sponsorship deadline for Presidents Council.

Ultimately, 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 or institutional presidents sufficient opportunity to propose legislation and subsequently review and discuss proposed legislation submitted by other members.

4. **Effective Date of Non-Convention Legislation and Official Interpretations.** The committee reviewed the date on which an official interpretation is issued and posted on the Legislative Services Database for the *internet* (LSDBi). The committee considered the notice and due process elements underlying the dissemination and date of an official interpretation and recommended that the date of the official interpretation should note when it 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 to LSDBi noting that LSDBi serves as the primary portal for all updates to legislation and interpretations. The committee revised its policy for legislative drafting, posting and effective dates accordingly.

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