

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

The Westin Indianapolis
Indianapolis, Indiana

June 12-13, 2007

Participants:

Amy Buxbaum, Chatham College
Robert Coleman, Whittier College, chair
Dan Fulks, Transylvania University
Portia Lowe, Lake Forest College
Kent Reeves, East Texas Baptist University
Andrea Savage, New England Small College Athletic Conference
Ashley Snell, Rivier College
Jay Jones, NCAA, recording secretary

Terry Rupert, Wilmington College (Ohio); Marquette Jamison, NCAA; Jeff Myers, NCAA; and Leah Nilsson, 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.]

Tuesday, June 12

The NCAA Division III Interpretations and Legislation Committee meeting was called to order at 8:05 a.m. Eastern time by the chair, Mr. Coleman. All members were present as noted above.

1. Welcome and Announcements. Mr. Coleman welcomed the committee and NCAA staff to the meeting and noted that this would be his final in-person meeting serving as chair, as his term is set to expire in January 2008.

The committee agreed that nominations for a new chair would take place on the September 19 teleconference, with selection to take place via e-mail vote and final determination of the new chair to be announced on the October 10 teleconference. Mr. Coleman’s term expires and the new chair will officially begin his or her duties following the 2008 NCAA Convention in January.

2. Review of Committee Roster. The committee reviewed the names and contact information and noted an update to Ms. Snell's contact information.
3. Review of Previous Minutes. The committee reviewed the minutes from the May 3 teleconference as drafted and agreed that the official interpretation from the teleconference should be updated to include examples of the difference between a specific and a general workout. The committee also agreed that, for purposes of clarity, a separate interpretation focusing on general and specific workouts should be drafted for continuing student-athletes. The committee agreed to review and approve the redrafted teleconference minutes via e-mail for timing purposes.
4. Division III Staff Interpretations. The committee did not review any Division III staff interpretations as there were no staff interpretations issued since the committee's February 2007 in-person meeting.
5. Review Recent NCAA Divisions I, II and III Official Interpretations. The committee reviewed recently adopted NCAA Divisions I and II official interpretations for possible adoption in Division III. There were no official interpretations in Division III since the committee's February 2007 in-person meeting. The committee screened all adopted Divisions I and II official interpretations for items that could be relevant in Division III. For purposes of this meeting, interpretations were screened from the time period of December 12, 2006, through May 23, 2007. The committee agreed that none of the interpretations reviewed were relevant to Division III institutions and took no action.
6. Review Recent Divisions I and II Legislative Actions.

The committee reviewed legislative actions taken by Divisions I and II since the February 2007 in-person meeting and took the following action:

It was VOTED

“To recommend that the Management Council:

- a. Adopt noncontroversial legislation in women's equestrian to permit a student-athlete to retain and use an institutional horse during the summer vacation period. [Reference: NCAA Division I Proposal 2006-78]; and

- b. Adopt noncontroversial legislation to specify that any amendment to the voting line of a Division III bylaw shall require a majority vote of the delegates present and voting at the division's annual or special Convention. [Reference: 2008 NCAA Convention Division II Proposal No. NC-7]"
- c. The committee reviewed the following Divisions I and II legislative actions and took no action:
 - (1) Division I Proposal No. 2006-22;
 - (2) Division I Proposal No. 2006-40;
 - (3) Division I Proposal No. 2006-45;
 - (4) Division I Proposal No. 2006-47;
 - (5) Division I Proposal No. 2006-73;
 - (6) Division I Proposal No. 2006-87;
 - (7) Division I Proposal No. 2006-113; and
 - (8) 2008 Convention Division II Proposal No. NC-9.
7. Review Recent Division III Editorial Revisions. The committee did not review any Division III editorial revisions at this meeting as there were no editorial revisions drafted since the February 2007 in-person meeting.
8. Review Recent Division III Educational Columns and Hot Topics. The committee did not review any Division III educational columns or hot topics at this meeting as there were no educational columns or hot topics drafted for Division III since the February 2007 in-person meeting.
9. Consider Division III Legislative and Interpretive Issues:
 - a. Review Prospective Student-Athletes Use of the Training Room Facilities.

In April, the committee recommended that the NCAA Division III Management Council adopt noncontroversial legislation in NCAA Bylaw 13 (recruiting) to specify that a prospective student-athlete who has signed a written offer of admission and/or financial aid with an institution may use that institution's training-room facilities. The Management Council chose not to adopt the legislation and instead referred the request back to the committee. Amid some resistance to the concept, the Management Council requested that the committee review a few key questions regarding the proposal. In review of this issue, the committee determined that a key element of the proposal (enrollment in the institution's summer term) was mistakenly omitted from the original request to Management Council. The committee also clarified that on review of this issue with the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports, there were not liability concerns with this proposal, provide the prospective student-athletes were enrolled in that summer term. In addition, the committee clarified that the training-room facilities were meant to be the area in which the institution's trainers worked and provide rehabilitative and injury-prevention services, as opposed to the institution's strength and conditioning facilities (if those facilities are not open to the general public).

It was VOTED

“To recommend that the Management Council adopt noncontroversial legislation in Bylaw 13 (recruiting) to specify that a prospective student-athlete who has signed a written offer of admission and/or financial aid with an institution and is enrolled in the institution's summer term prior to the student's initial, full-time collegiate enrollment may use that institution's training-room facilities. [Reference: 2007 Convention Division II Proposal No. NC-12]”

- b. Review Necessity for Physicals in Walk-on Tryout Situations. The committee reviewed newly adopted Bylaw 17.1.5 (mandatory medical examinations) in order to determine whether it was possible for a potential walk-on student-athlete to participate in a ‘walk-on tryout day’ prior to undergoing a medical examination or receiving an updated medical history. The committee reviewed the 2007 Convention Division III Question and Answer Guide and the legislation and took the following action:

It was VOTED

“That the Management Council approve an official interpretation, as follows:

Participation in Physical Activities Prior to Undergoing Mandatory Medical Examination (III). The committee confirmed that a student-athlete may not participate in any athletically related activity prior to undergoing a medical examination or receiving an updated medical history, even if that student-athlete has not been named as a member of the institution’s team (e.g., walk-on tryouts). [References: Bylaws 17.02.1.1 (athletically related activities) and 17.1.5 (mandatory medical examinations)]”

- c. Review of Official and Unofficial Visits Chart. The committee reviewed an NCAA staff drafted chart detailing official and unofficial visit activities. The committee recommended some edits to the chart and approved of its inclusion in the 2008-09 version of the NCAA Division III Manual.

The chart for inclusion in the 2008-09 Manual will read as follows:

	Official Visit	Unofficial Visit
Number of Visits Permitted	One per institution. (See Bylaw 13.6.1.1)	Unlimited. (See Bylaw 13.7.1)
First Opportunity to Visit	Opening day of classes of the prospective student-athlete’s senior year in high school. (See Bylaw 13.6.1.1.1)	Anytime. (See Bylaw 13.7.1)
Permissible Length of Visit	Shall not exceed 48 hours. (See Bylaw 13.6.2)	No time limitations. (See Bylaw 13.7 generally)
Meals	Three on-campus meals per day for prospect student-athlete, parents, guardian or spouse. Dessert or after-meal snack also permitted. (See Bylaw 13.6.5.6 and subparts)	One on-campus meal for prospective student-athlete only. (See Bylaw 13.7.2.1.1)
Lodging	Permissible within 30-mile radius of institution’s campus, comparable to student life for prospective student-athlete’s, parents/guardian or spouse. (See Bylaw 13.6.4)	None, unless housing is generally available to all visiting prospective student-athlete. (See Bylaw 13.7.2.1.2)
Entertainment	\$20 per day for prospective student-athlete and host. (See Bylaw 13.6.5.5)	None. (See Bylaw 13.7.2.1)
Complimentary Admissions to Home Athletics Event	Admissions for prospective student-athlete, parents/guardian, spouse or individual of comparable relationship. No special seating. (See Bylaw 13.6.5.2)	Three admissions for prospective student-athlete and guests. No reserving additional game tickets. No arranging of special parking. No special seating. (See Bylaw 13.7.2.1)

Transportation	Round trip (e.g., airfare, mileage) cost for prospective student-athletes only. Prospective student-athlete's relatives or friends accompanying prospective student-athlete traveling in automobile is permissible. (See Bylaw 13.5.2)	To view off-campus practice and competition on sites in the prospective student-athlete's sport or other institutional facilities. Must be accompanied by institutional staff member. (See Bylaw 13.5.3)
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*This chart summarizes what accommodations an institution may provide to a prospective student-athlete on an official or unofficial visit and the legislation. It is not intended to replace the Division III recruiting legislation in Bylaw 13.

- d. Review Issue of Student-Athlete Participating for an Institution When a Sport is Not Properly Sponsored. The committee reviewed a situation in which institutions purposefully choose to fund and participate in a sport without ever intending to meet the sports sponsorships minimums defined in Bylaw 20.11.3.5 for that sport. The committee focused most of their review on the sports of indoor track and field and cross country, where this is a fairly common practice. The committee agreed that if the institution were properly applying the legislation defined in Bylaw 17 (playing and practice seasons), there was not a violation of NCAA regulations, and that this issue was more practically governed at the conference level. The committee took no action.

- e. Review Use of Strength and Conditioning Coach Designation. The committee reviewed Bylaw 17.02.1.1.1-(e) (exceptions) in relation to an institution's designated strength and conditioning coach. The committee noted that some institutions are designating multiple coaches, often even multiple coaches from the same sport, as "strength and conditioning" coaches in order to allow those coaches to monitor student-athletes voluntary individual workouts for safety purposes, and took the following action:

It was VOTED

"To recommend that the Management Council propose legislation for the 2008 NCAA Convention in Bylaw 17 (playing and practice seasons) to clarify that strength and conditioning personnel may monitor voluntary individual workouts for safety purposes only, but cannot conduct the individuals workout. Further, to specify that if the strength and conditioning coach is also a coaching staff member for one of the institution's intercollegiate teams, such assistance may be provided only if that staff member performs such duties for any student-athlete using the facility. [Reference: Division II Bylaw 17.02.1.1.1]"

- f. Online Courses. The committee reviewed how online courses for purposes of good academic standing and satisfactory progress. Current Division III regulations do not address online courses, and the NCAA membership services staff treats online courses in the same manner as correspondence courses. The committee took the following action:

It was VOTED

“To recommend that the Management Council propose legislation for the 2008 Convention in Bylaw 14.4 (satisfactory-progress requirements) to specify that the permissible usage of online courses for purposes of academic standing or satisfactory progress must be determined by the regulations of the certifying institution, regardless of whether those courses are taken through the certifying institution or through an institution other than the one in which the student-athlete is enrolled.”

- g. Review of 60-Day Window of Eligibility Following Final Term of Enrollment. The committee reviewed the impact of the 60-day window of eligibility on winter sport student-athletes whom are competing in their championship segment following the completion of their final term of collegiate enrollment. The committee noted that waivers for students whom graduate mid-season and have time remaining under the 10-semester/15-quarter rule and whose championship segment extends beyond the 60-day window are currently being granted by the NCAA Division III Management Council Academic Issues Subcommittee. The committee took the following action:

It was VOTED

“To recommend that the Management Council propose legislation for the 2008 Convention to amend Bylaws 14.1.8.2.1.3 (final semester/quarter) and 14.1.9.2 (NCAA championship after last term of eligibility) to specify that a student-athlete who graduates mid-year and is eligible during the term in which degree work is completed remains eligible for the remainder of the NCAA championship season in progress, provided the student has not exhausted the 10-semesters/15-quarters for completion of the individual’s four seasons of eligibility.”

- h. Receive Update on Counting Exhibition Games. The committee received an update on the issue of requiring all institutions to classify a contest in the same manner when competing against one another in a non-Division III contest. This issue was originally referred to the committee by the NCAA Division III Management Council Playing and Practice Seasons Subcommittee. After referral to the various sports committees and the NCAA statistics department, the

committee was informed that the sports committees believed that requiring both institutions to classify the contest in the same manner could reduce the flexibility for Division III institutions to schedule some contests against non-Division III opponents and therefore possible costs Division III institutions some competitive opportunities. As such, the committee agreed to take no additional action on this issue and continue to allow institutions to classify contests differently than the non-Division III opponent if they chose to do so.

- i. Review Student-Athletes Ability to Practice on Receipt of Hardship Waiver. The committee reviewed legislation related to hardship waivers and received a report that numerous individuals within the Division III membership question whether a student-athlete is permitted to practice for the remainder of the season, without being charged with a season of participation, after receiving a hardship waiver. In addition, the committee discussed common questions regarding the application of the hardship-waiver legislation. The committee took the following action:

It was VOTED

“To recommend that the Management Council adopt a modification of wording to amend Bylaw 14.2.5 (hardship waiver) to indicate specifically that the injury or illness must be a season-ending injury or illness. Further, to clarify the language within Bylaw 14.2.5.2.4 (reinjury in second half of season) to make it clear that a student-athlete who enters competition in the second half of the season does not qualify for the hardship waiver as opposed to the language reading ‘attempts to return to competition.’ Finally, to add a new amendment that indicates a student-athlete can practice or participate in rehabilitative activities for the remainder of the season without using a season of participation, provided the student-athlete has received a hardship waiver and the student-athlete does not compete for the remainder of the season after receiving the hardship waiver.”

- j. Review Permissible Recruitment Activities for Enrolled Student-Athletes. The committee reviewed legislation related to recruitment activities for currently enrolled student-athletes and some of the confusion regarding certain aspects of the Division III legislation. In particular, the committee reviewed the issue of student-athletes being able to actively participate in recruiting activities. To address any confusion regarding permissible recruiting activities for enrolled student-athletes, the committee took the following action:

It was VOTED

“To recommend that the Management Council adopt a modification of wording to amend Bylaw 13.02.3.1 (permissible recruitment activities for enrolled student-athletes) specifically to state that permissible recruitment activities for enrolled student-athletes are limited to the list of items within the legislation.”

10. Consider Division III Legislative and Interpretive Issues.

- a. Review and Troubleshoot Possible Text Messaging Proposal for the NCAA Division III Student-Athlete Advisory Committee. The committee reviewed Division I Proposal No. 2006-40 and noted that the NCAA Division III Student-Athlete Advisory Committee would be looking at this proposal for a possible recommendation to sponsor similar legislation for the 2008 Convention. The committee critically evaluated the elements of the Division I proposal in an effort to provide the Student-Athlete Advisory Committee with some points to consider as that committee studied the issues. The committee took the following action:

It was VOTED

“To provide a statement of support to the Division III Student-Athlete Advisory Committee regarding the sponsorship of a ban on text messaging and other electronic means of communication within Division III, similar to the ban that was adopted in Division I. The committee suggests that the Student-Athlete Advisory Committee may want to more explicitly address ‘social networking sites’ (e.g., myspace, facebook) within the Division III proposal. Further, the committee noted that the Student-Athlete Advisory Committee may wish to consider certain time frames in which text messaging or other electronic means of communication may prove useful (e.g., within five days of a scheduled official visit, on accepting written offer of admission). Finally, the committee noted that having legislation similar to the Division I ban adopted across all three divisions would greatly benefit prospective student-athletes.”

- b. Review Division I Membership-Sponsored Proposal Related to Fantasy Leagues and Online Pools. At the request of the NCAA Division I Board of Directors, the committee reviewed Division I Proposal No. 2006-17-B, which was proposed by a Division I member conference. The committee noted that all three divisions should work together in developing sports-wagering legislation because of national office resources related to monitoring and education. The committee therefore understood that any recommendation given would first be reviewed by Divisions I and II and that this committee will revisit this issue if the other two

divisions are interested in supporting the legislative change recommended. The committee took the following action:

It was VOTED

“To provide a statement of support to the members of the various governance staffs at the NCAA national office for a common legislative proposal that would prohibit participation in online tournament pools and limit participation in fantasy leagues to noncollegiate fantasy leagues.”

- c. Brainstorm Legislative Areas Where Division III Might Differ Philosophically in a More Restrictive Versus Less Restrictive Legislative Model of Membership. At the request of the NCAA Division III Working Group on Membership Issues, the committee reviewed all Division III legislation to determine what areas the committee felt that the Division III membership might differ philosophically in their legislative approach. The committee agreed to forward the following list of legislative areas to the working group for its use:
- (1) Bylaw 11 (personnel) probably remains as is, with the possibility of a requirement that coaches be full-time institutional employees (the committee noted possible legal concerns with this philosophy).
 - (2) Bylaw 12 (amateurism) could be more lenient for prospective student-athletes who participate in alternative “extreme” type sports that are currently occasionally losing eligibility as a result of agents, etc. In addition, some institutions may feel that the fundraising legislation should be more restrictive as it relates to the student-athletes’ time.
 - (3) Bylaw 13 (recruiting):
 - (a) Some schools would want earlier contacts.
 - (b) Some schools would want more limits on evaluations.
 - (c) Some schools might say no “off-campus” contacts at all (as some Division III conferences already do this on the conference level).
 - (d) Some schools would want more legislation specific to the admissions office involvement.

- (e) Some schools would want more restrictions on the official/unofficial visit legislation (such as not allowing payment for visit transportation or not allowing student-host money).
 - (f) Some schools indicate there is a need for a Division III letter of intent program that is binding on the prospective student-athlete and the institution.
 - (g) Some schools want more ability to publicize recruitment of prospects.
 - (h) Some schools would want to allow tryouts.
 - (i) Some schools feel that advertising should not be regulated at all.
- (4) Bylaw 14 (eligibility):
- (a) Some schools would prefer more tightly regulated transfer rules.
 - (b) Some schools would want a credit-hour requirement.
 - (c) Some schools would favor a postgraduate participation opportunity from another institution.
 - (d) Some schools believe that the outside competition regulations should be less restrictive to allow for more institutional decisions on when and where their student-athletes can participate and possibly more outside opportunities for the student-athlete.
- (5) Bylaw 15 (financial aid):
- (a) Some schools would prefer being allowed to give small amounts of financial aid.
 - (b) Some schools would prefer athletics leadership to be factored into participation as an activity point within awarding matrices.
 - (c) Some schools would favor allowing some competitive “matching” of financial aid packaging to be able to give dollars so that the student would pay the same rate as they would at another school within the conference, state.

- (6) Bylaw 16 (awards and benefits) could be more lenient with respect to providing academic services to student-athletes.
- (7) Bylaw 17 (playing and practice season):
 - (a) Some schools would prefer less restriction on the number of weeks of athletics activity and other schools might prefer more restrictions.
 - (b) Some schools would prefer an expanded nontraditional segment and other schools might prefer eliminating the nontraditional segment completely.
 - (c) Some schools would prefer skill instruction to be allowed year round, similar to Divisions I and II.
 - (d) Some schools would prefer more contests and other would prefer less (longer or shorter season lengths).
 - (e) Some schools would prefer weekly hour limitations similar to Divisions I and II.
 - (f) Some schools would prefer an expansion on the types of postseason opportunities excluded from the seasonal limits.
- 11. Review Division III Strategic Plan. The committee reviewed the NCAA Division III Strategic Plan noting some changes that would be forwarded on to the appropriate individuals at the NCAA national office for inclusion into a revised strategic plan document.
- 12. Review Legislative and Interpretative Process Issues.
 - a. Review Antitrust Handout. The committee reviewed an antitrust handout prepared by the NCAA general counsels office. The handout detailed areas to be conscious of when proposing or drafting legislation and interpretations. The committee took no action.
 - b. Discuss Guidance for Committee Member's Notes/Minutes/E-mail. The committee reviewed a handout regarding the sensitive nature of committee

materials and discussed the issue of disposal of notes, minutes and e-mails. The committee took no action.

13. Future Meeting and Teleconference Schedule. The committee identified the following dates and times for future teleconferences and in-person meeting:
 - a. 2 p.m. Eastern time July 18; teleconference;
 - b. 2 p.m. Eastern time August 15; teleconference;
 - c. 2 p.m. Eastern time September 19; Teleconference;
 - d. 2 p.m. Eastern time October 10; teleconference;
 - e. 3 p.m. Eastern time November 13; teleconference;
 - f. 3 p.m. Eastern time December 11; teleconference; and
 - g. January 31 through February 1, 2008; in-person meeting; San Diego, California.

14. Adjournment. The committee moved to adjourn the meeting at 11:45 a.m. Eastern time.

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