

Type: Educational Column

Title: NCAA Division III Subcommittee for Legislative Relief Previously Approved Waivers Checklist (III)

Division: III

Date Issued: August 25, 2023

Date Published: September 13, 2023

Item Ref No: 1

Text:

The previously approved waiver process was approved by the NCAA Division III Management Council Subcommittee for Legislative Relief with an August 1, 2008, effective date. The intent behind this process is to reduce bureaucracy and permit the membership and NCAA staff to work more efficiently in limited circumstances.

Similar to previously approved incidental expense waivers in NCAA Division III Bylaw 16.12.1.1, institutions may self-apply on campus any previously approved waiver specifically listed below without filing a formal legislative relief waiver request to the NCAA national office. An institution is only permitted to self-apply relief (approve a waiver request) if the institution's circumstances appear on the list of designated previously approved waivers and the circumstances satisfy the specified criteria established for the particular previously approved waiver. If an institution's circumstances do not appear on the list of previously approved waivers or if the circumstances do not satisfy all of the established criteria for a particular previously approved waiver, the institution must submit a formal legislative relief waiver application to the national office for consideration.

An institution that grants relief of NCAA legislation based on the specific previously approved waiver circumstances listed below must submit a report to its conference office on a quarterly basis each year. The list of previously approved waivers will be updated on an annual basis by NCAA staff.

Previously Approved Waiver List.

Waive the normal application of the camps and clinics legislation to permit Division III coaches to work at invite-only events with prospective student-athletes when those events are sponsored and conducted by the NCAA (e.g., the NCAA College Basketball Academy).

In order to qualify for relief, the invite-only event must be an NCAA-sponsored initiative where Division III coaches are selected to participate by the appropriate coaches association.

Waive the normal application of admissions legislation for individuals with intellectual disabilities.

Permit an institution to allow individuals to participate in intercollegiate athletics while enrolled in a non-degree seeking program specifically structured for students with intellectual disabilities. Such programs must do the following in order to qualify:

- Be approved and recognized as a comprehensive transition and postsecondary program by the United States Department of Education;
- Require students to make academic progress toward a previously established educational goal or outcome;
- Consider individuals to be enrolled full-time at the institution; and
- Permit students to participate in clubs, organizations, events and other activities on campus along with their degree-seeking peers.

Miscellaneous expenses.

- Expenses for student-athletes to attend a reception where their coach will be honored.

Transportation expenses.

- Transportation expenses to attend a conference on lifestyle choices and leadership training, the Apple conference or a symposium on girls and women in a sport located outside the state in which the institution is located.
- Transportation expenses for the difference in cost of an airline ticket to fly home for the holidays when the flight has to be changed as a result of the institution's competition schedule in the sport.
- Transportation expenses to a student-athlete to return home for the birth of their child.
- Transportation expenses to a student-athlete to return to campus during spring break to train for an NCAA championship.

Misfortune expenses.

- Expenses to replace items belonging to a student-athlete that were stolen from the student-athlete's car, from the student-athlete's residence hall or during team travel.
- Actual and necessary expenses for student-athletes who were displaced by a disaster.
- To provide expenses to assist student-athletes for items damaged or lost in a disaster.

Waive normal application of playing and practice seasons legislation.

- Permit an institution's team to redefine its "week" when the team does not conduct practice for a period of seven consecutive days that includes institutional closures as a result of inclement weather.
- Permit a student-athlete to participate on a club team coached by institution's coaching staff outside of the playing and practice season when the institution's coaching staff member is also the student-athlete's parent or guardian.

[References: NCAA Division III Bylaw 13.11.3.2 (sports camps and clinics and other athletics events), Bylaw 14.1.7.1 (admissions), Bylaw 16.12.1.1 (previously approved incidental expenses), education column (01/12/2015, Item No. 1, which has been archived), education column (11/11/2015, Item No. 6, which has been archived), education column (3/7/2016, Item No. 4, which has been archived), education column (10/05/2016, which has been archived), educational column 05/5/2021 and educational column 09/12/2023, which has been archived).]

Notice about Educational Columns: Educational columns and hot topics are intended to assist the membership with the correct application of legislation and/or interpretations by providing clarifications, reminders, and examples. They are based on legislation and official and staff interpretations applicable at the time of publication. Therefore, educational columns and hot topics are binding to the extent that the legislation and interpretations on which they are based remain applicable. Educational columns are posted on a regular basis to address a variety of issues and hot topics are posted as necessary in order to address timely issues.

Legislative References

Legislative Cite	Title
16.12.1.1	Previously Approved Incidental Expenses.
13.11.3.2	Sports Camps and Clinics and Other Athletics Events.
14.1.7.1	Requirement for Practice or Competition.

Other References

Reference
NCAA Division III Subcommittee for Legislative Relief Previously Approved Waivers Checklist (III)
NCAA Division III Subcommittee for Legislative Relief Previously Approved Waivers Checklist (III)

