



**REPORT OF THE NCAA DIVISION III MANAGEMENT COUNCIL
SUBCOMMITTEE FOR LEGISLATIVE RELIEF
MARCH 25, 2020, TELECONFERENCE**

ACTION ITEMS.

1. Legislative items.

- **Convention Legislation – To Establish a Service Exception to the Participation in Organized Competition Before Initial Collegiate Enrollment Legislation [Division III Bylaw 14.2.4.4].**
 - (1) Recommendation. Sponsor convention legislation to establish a service exception to the organized competition legislation that permits a prospective student-athlete to participate in organized competition while serving on active duty in the U.S. armed services (or comparable armed service of another country), on official religious missions or on missions with recognized foreign aid services of the U.S. government.
 - (2) Effective date. August 1, 2021.
 - (3) Rationale. Similar to Divisions I and II, Division III legislation specifies that a prospective student-athlete uses a season of participation for each consecutive 12-month period after the one-year period following high school graduation (i.e., "grace period") in which they participate in organized competition; however, Division III only charges use of a season for a limited set of activities that occur after the grace period. While this legislation may allow for more participation opportunities prior to initial collegiate enrollment than its Divisions I and II counterparts, it does not provide flexibility for prospective student-athletes who may not enroll in college immediately after their grace period due to participation in service activities. Noting the inequitable impact on prospective student-athletes who would want to enroll at Division III institutions after their service, the Division III Management Council Subcommittee for Legislative Relief recommended adopting the same service exception as Divisions I and II to permit a prospective student-athlete to participate in organized competition while serving on active duty in the military, on official religious missions or on missions with recognized foreign aid services of the U.S. government. The service exception would recognize the significance of these activities, afford prospective student-athletes engaged in service appropriate time to make an informed decision about collegiate enrollment while continuing to engage in competition and promote equitable participation opportunities across all divisions.
 - (4) Budget impact. None.

- (5) Student-athlete impact. Division III prospective student-athletes would not be penalized for participating in organized competition while engaged in military, religious or foreign aid service.

2. Nonlegislative items.

- **Increase Composition of NCAA Division III Management Council Subcommittee for Legislative Relief from Six to Eight Members.**

- (1) Recommendation. That Division III Management Council approve the recommendation to increase the composition of the Subcommittee for Legislative Relief from six members to eight members, thereby increasing the quorum from three to four members.
- (2) Effective date. Immediate.
- (3) Rationale. An increase in the number of members of the Subcommittee for Legislative Relief will ensure member institution and conference legislative relief waivers are afforded the best appellate and direct review opportunities. Specifically, the subcommittee is comprised of six current members of Management Council who primarily serve as Division III institutional athletics administrators. The time demand expected of those six members is availability on a weekly 60-minute teleconference. As campus administrators, urgent and unforeseen priorities sometimes conflict with the standing weekly teleconference, often resulting in small subcommittee representation on calls and decisions on cases that may not be representative of the entire subcommittee.

Increasing the subcommittee composition permits Management Council to maintain direct purview over legislative relief waivers, and specifically, the limited set of circumstances under which the legislation may be waived. The Division III membership puts careful thought and consideration annually into its legislation. As a governing body that reviews all legislative changes, it is most fitting that the same body determine the unique circumstances under which such legislation should be waived.

- (4) Budget impact. None.
- (5) Student-athlete impact. Greater opportunity for legislative relief waivers for Division III student-athletes to be appropriately vetted and decided in a manner more consistent with Management Council positions.

INFORMATIONAL ITEMS.

1. **Welcome and introductions.** The chair, Jason Fein, welcomed the subcommittee members and requested members review the roster for accuracy.
2. **Approval of August 2019 report.** The subcommittee reviewed and approved its August 21 teleconference report.
3. **Review cases decided from August 1, 2019, through January 31, 2020, by NCAA staff and the subcommittee.** From August 1 through January 31, the subcommittee and/or staff received a total of 73 Division III waiver requests, 66 of which were decided and six of which were cancelled. The following is a summary of the decisions made by the staff and subcommittee:
 - a. Staff approved 45 waivers, 13 of which were approved with conditions. Of the 45 waivers approved, 18 waivers were approved based on totality of circumstances and/or student-athlete well-being; and 21 waivers were approved based on the Subcommittee for Legislative Relief Information Standards, Guidelines and Directives.
 - b. Staff denied 19 waivers. Institutions appealed 10 of the staff denials to the subcommittee, and the subcommittee affirmed the staff position in six cases and overturned the staff position in the remaining four cases.
 - c. Three waivers were directly reviewed by the subcommittee and approved.
4. **Review of Division III previously approved waivers list.** The subcommittee reviewed the Division III Subcommittee for Legislative Relief Previously Approved Waivers Checklist [Reference: October 5, 2016, Item Ref: 2 Educational Column], which provides flexibility for an institution to grant relief of NCAA legislation and submit a report to its conference office rather than filing a formal legislative relief waiver request. The subcommittee took no action.
5. **Review of Subcommittee for Legislative Relief Policies and Procedures.** Staff provided the subcommittee with its policies and procedures for review. The subcommittee reviewed the document and took no action.
6. **Review of Subcommittee for Legislative Relief Information Standards, Guidelines and Directives.** Staff provided the subcommittee with its information standards, guidelines and directives for review. The subcommittee reviewed the document and took no action.

7. **Name, image and likeness update.** Staff provided the subcommittee with an update on the Division III Interpretations and Legislation Committee's actions on NIL from its February in-person meeting.
8. **COVID-19 update.** Staff provided the subcommittee with an update on the Division III Administrative Committee's actions in response to COVID-19.
9. **Future meetings.** The chair reminded the subcommittee of its upcoming August 2020 meeting.
10. **Other business.** None.
11. **Adjournment.** The subcommittee adjourned at 12:47 p.m. Eastern time.

Subcommittee Chair: Jason Fein, Bates College.

Staff Liaisons: Corey Berg, Academic and Membership Affairs.

Kaitlyn Purcell, Academic and Membership Affairs.

NCAA Division III Management Council Subcommittee for Legislative Relief March 25, 2020, Teleconference	
Attendees:	
Cheryl Aaron, Wentworth Institute of Technology.	
Jason Fein, Bates College.	
Lori Mazza, Western Connecticut State University.	
Scott McGuinness, William and Jefferson College.	
Denise Udelhofen, Loras College.	
Mike Vienna, Emory University.	
Absentees:	
None.	
NCAA Staff Support in Attendance:	
Corey Berg and Kaitlyn Purcell.	
Other NCAA Staff Members in Attendance:	
Anyssa Barbosa, Louise McCleary and Jeff Myers.	