



**REPORT OF THE  
NCAA DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE  
FEBRUARY 20-21, 2020, MEETING**

**KEY ITEM.**

**Recommendation:** That the Division III Management Council, Division III Presidents Council and relevant committees and membership groups discuss and consider potential legislative action allowing Division III student-athletes to use their student-athlete status in the following settings:

- The promotion of various academic and other endeavors involving their work product (e.g. research, book publishing, class projects, tutoring, personal business, creative endeavors, media activities, private lessons).
- Participation in promotions and other endorsements (e.g., brand ambassador, commercials, appearances/autographs, modeling) provided payment is commensurate with the going rate, the institution is not involved in securing the promotion and these opportunities are not part of the recruiting process.

The Division III Interpretations and Legislation Committee acknowledged the continued need to refine these concepts, including potential monitoring/reporting.

The committee does not recommend any changes to permit the use of student-athlete status in crowdfunding. The concern was that crowdfunding does not represent "work product" and that sources of contributions to these fundraising efforts are difficult to monitor and could reflect "pay for participation." The committee agreed to continue to discuss this issue.

**Rationale:** The Board of Governors, upon recommendation of its Federal and State Legislation Working Group, directed the divisions to review the current legislative status regarding the use of student-athlete name, image and likeness, and pursue change based on the following three principles:

1. Payment to a student-athlete for use of their name, image or likeness should not be pay for athletics performance or participation; nor should the payment serve as an inducement to select a particular school.
2. Regulation of a student-athlete's name, image or likeness use should be transparent, narrowly tailored and enforceable, and it should facilitate the principle of fair competition among schools in a division, including the integrity of the recruiting process.
3. A student-athlete should be able to use their name, image or likeness similar to college students who are not student-athletes, unless there is a compelling reason to differentiate.

The committee balanced these principles against perceived concerns with granting greater flexibility. In addition to these principles, the committee reviewed input from the membership obtained during the Division III Issues Forum at the annual 2020 NCAA Convention, as well as

from the Division III National Student-Athlete Advisory Committee. The concepts put forward reflect this deliberation.

**ACTION ITEMS.**

**1. Legislative items.**

**a. Convention Legislation – To Permit Monetary Donations to Nonathletic Bona Fide Youth Organizations and Eliminate the Geographic Restrictions for Monetary and Equipment Donations [Division III Bylaw 13.14.1.5.1].**

- (1) Recommendation. That the Management Council sponsor convention legislation that permits member institutions to provide monetary donations to nonathletic bona fide youth organizations and eliminates the geographic restrictions for monetary and equipment donations.
- (2) Effective date. August 1, 2021.
- (3) Rationale. Currently, institutions are permitted to donate equipment to bona fide youth organizations and nonprofit organizations that consist of prospective student-athletes. However, the legislation would not permit an institution to make a monetary donation to a nonprofit organization that may benefit prospective student-athletes but does not involve any type of athletics participation as part of its mission or programming. By permitting institutions to make monetary donations to nonathletic bona fide youth organizations, it permits member institutions and its student-athletes to raise and donate funds to support initiatives through the work of organizations with a mission to help youth that are unrelated to athletics. Finally, by eliminating the current mileage restriction, it will provide institutions with greater flexibility to donate their resources to organizations that align with their philanthropic interests.
- (4) Budget impact. Will vary depending on the institution.
- (5) Student-athlete impact. None.

**b. Convention Legislation – To Permit Student-Athletes Enrolled in the Final Term of Their Minor or Undergraduate Certificate Program to Practice or Compete While Enrolled Less Than Full Time [Division III Bylaw 14.1.8.1.6.1].**

- (1) Recommendation. That the Management Council sponsor convention legislation that expands the current final semester/quarter exception to the

full-time enrollment requirement to include student-athletes enrolled in the final term of their minor or undergraduate certificate program (designated before the applicable term).

- (2) Effective date. August 1, 2021.
- (3) Rationale. Currently, a student-athlete who has completed all degree requirements and does not meet an exception for being enrolled in less than full time must enroll full time to practice and compete in a subsequent term. Those student-athletes may be working toward the completion of a minor or certificate program that requires less than a full-time course load to complete. Expanding the current final-term exception to include a minor or undergraduate certificate designated prior to the beginning of the final term will provide greater flexibility to a student-athlete who has achieved the goal of completing the requirements of a baccalaureate degree and is continuing to prepare for their future. This exception may only be used on one occasion during a student-athlete's intercollegiate career. Additionally, this expansion of the final-term exception will provide greater educational opportunities for student-athletes while minimizing the financial burden created by requiring student-athletes to enroll in courses simply for the purposes of athletics participation. This position was supported by the Division III Student-Athlete Advisory Committee and the Division III Faculty Athletics Representatives Advisory Group.
- (4) Budget impact. None.
- (5) Student-athlete impact. Allows for greater participation opportunities for student-athletes and minimizes the financial burden of enrolling in academic courses solely for athletics participation.

**c. Noncontroversial Legislation – To Expand the List of Competition Events for Which the Institution May Provide Expenses to Include Elite-Level Regional and Junior Competition. Bylaw 16.8.1.3**

- (1) Recommendation. That the Management Council approve in concept noncontroversial legislation that adds national and international junior-level and international regional events to the list of permissible events for which an institution may provide its student-athletes with actual and necessary expenses.
- (2) Effective date. Immediate.

- (3) Rationale. Currently, Division III institutions may provide the actual and necessary expenses for their student-athletes to participate in national championship events and events that qualify a student-athlete to represent their country in Olympic Games and World Championships. This proposal would expand the list of events that an institution may provide the actual and necessary expenses for their student-athletes to participate in to include national and international junior-level and international regional events. This proposal will enhance student-athlete well-being by expanding the opportunities for student-athletes to engage in elite competition and will ease the financial burden incurred by student-athletes to participate in these unique once-in-a-lifetime opportunities.
- (4) Budget impact. Will vary by institution.
- (5) Student-athlete impact. Will enhance student-athlete well-being and minimize the financial burdens incurred by student-athletes by allowing member institutions to pay for the actual and necessary expenses associated with regional and junior-level events.

### **INFORMATIONAL ITEMS.**

1. **Welcome and announcements.** The chair, Angie Morenz, welcomed new committee members Anthony Francois, Matt Hill, Joseph Pavlow and Patrick Summers.
2. **Committee roster.** The committee reviewed its roster and agreed to submit any corrections to NCAA staff.
3. **Review November and December reports.** The committee reviewed and approved the reports from its November 21, December 4 and December 20, 2019, teleconferences.
4. **Review strategic positioning platform.** The committee reviewed the NCAA Division III Strategic Positioning Platform.
5. **Policies and procedures.** The committee reviewed its policies and procedures.
6. **Update on governance issues.** The Division III governance staff provided the committee with an update on the primary topics currently within the Division III governance structure.
7. **Review of Official Notice Nos. I-2021-1 and I-2021-2.** The committee reviewed and approved I-2021-1 and I-2021-2 in final legislative format (see Attachments A and B, respectively).

- 8. Appeal of staff interpretation.** The committee reviewed whether an institution's ice hockey team may compete against an All-Star team comprised of prospective student-athletes from Canadian College of General Education and Professional Education Program (CEGEP) institutions. The committee agreed that competitions against the All-Star team did not constitute impermissible tryouts and are permissible as the team is continuous and ongoing and was not established for the specific purpose of competing against a collegiate team. Further, the committee determined that it would review current legislation regarding competition against prospects, to determine if additional clarity is necessary.
- 9. Review of 2020 NCAA Convention Division III legislation.**

  - Question and answer document. The committee reviewed the question and answer document for the 2020 legislative proposals and instructed staff to do the following for future review by the committee:

    - a. Draft Question No. 4 for Proposal No. 2020-4 as an official interpretation to distinguish when institutions may provide cash for certain meals and clarify that cash may not be provided for snacks.
    - b. Draft Question Nos. 4 and 6 for Proposal No. 2020-5 as official interpretations to clarify the following:

      - (1) A student-athlete must be eligible for competition to receive practice expenses permitted under the proposal; and
      - (2) Practice expenses, under the proposal, may only be provided for practices that occur within the continental United States.
    - c. Draft Question No. 10 for Proposal No. 2020-6 as an official interpretation to specify the benefits that may be provided for leadership programming activities involving athletics related information outside the playing and practice season.
- 10. Future meetings.** The committee reviewed its future meeting schedule.
- 11. Adjournment.**

*Committee Chair: Angie Morenz, Blackburn College*

*Staff Liaisons: Jeff Myers, Academic and Membership Affairs*

*Kaitlyn Purcell, Academic and Membership Affairs*

*Bill Regan, Academic and Membership Affairs*

<b>NCAA Division III Interpretations and Legislation Committee February 20-21, 2020, Meeting</b>	
<b>Attendees:</b>	
Amy Backus, Case Western Reserve University.	
Anthony Francois, John Jay College of Criminal Justice.	
Matt Hill, University of Northwestern – St. Paul.	
Allie Littlefox, Mills College.	
Angie Morenz, Blackburn College.	
Joseph Pavlow, Rosemont College.	
Patrick B. Summers, New England Women's and Men's Athletic Conference.	
Mila C. Su, Plattsburgh State University of New York.	
<b>Absentee:</b>	
None.	
<b>NCAA Staff Liaisons in Attendance:</b>	
Kaitlyn Purcell, Jeff Myers and Bill Regan.	
<b>Other NCAA Staff Members in Attendance:</b>	
Anyssa Barbosa, Dan Dutcher, Karl Hicks, Louise McCleary, Dave Schnase and Rachel Stern.	

**Division:** III

**Proposal Number:** I-2021-1

**Title:** PLAYING AND PRACTICE SEASONS GENERAL PLAYING-SEASON REGULATIONS -- LENGTH OF PLAYING SEASON -- INDOOR/OUTDOOR TRACK AND FIELD

**Convention Year:** 2021

**Date Submitted:** October 23, 2019

**Status:** Ready for Ratification Convention Vote

**Effective Date:** Immediate

**IPOPL Number:**

**SPOPL Number:**

**Source:** NCAA Division III Management Council (Interpretations and Legislation Committee).

**Category:** Incorporation

**Topical Area:** Playing and Practice Seasons

**Intent:** To specify that the playing and practice season for institutions that sponsor indoor and outdoor track and field shall be conducted in consecutive weeks and not divided into segments (i.e. traditional and nontraditional).

**Bylaws:** Amend 17.23.1, as follows:

17.23.1 Length of Playing Season. The length of an institution's playing season in indoor and outdoor track and field shall be limited to the following:

[17.23.1-(a) unchanged.]

(b) An institution that sponsors both indoor and outdoor track and field shall be limited to a maximum playing season of 24 weeks, **which may not be divided into segments (i.e., traditional and nontraditional). The weeks of the playing season shall be conducted consecutively and in accordance with Bylaw 17.1.2.**

[17.23.1.1 unchanged.]

**Budget Impact:**

**Co-sponsorship - Conference:**

None

**Co-sponsorship - Institution:**

None

**Position Statements:**

**Review History:**

Oct 22, 2019:	Approved in Concept - Management Council and Interpretations and Legislation Committee	Supplement No. 12, item no. 1a
Feb 20, 2020:	Approved in Legislative Format - Interpretations and Legislation Committee	Supplement No. 6

**Additional Information:**

Institutions that sponsor indoor and outdoor track and field have a playing and practice season that is limited to 24 weeks. The incorporation of this official interpretation [Reference May 14, 2019, Item No. a] clarifies that when an institution sponsors indoor and outdoor track and field, the playing season is not divided into segments. Rather, it is conducted in consecutive weeks. This incorporation will ensure the membership understands the legislated requirements for the declaration of the playing and practice season for institutions that sponsor both indoor and outdoor track and field.

**Legislative References**

Legislative Cite	Title
17.23.1	Length of Playing Season.

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**Division:** III

**Proposal Number:** I-2021-2

**Title:** RECRUITING -- SPORTS CAMPS AND CLINIC AND OTHER ATHLETICS EVENTS -- LIMITATIONS ON PARTICIPATION.

**Convention Year:** 2021

**Date Submitted:** October 23, 2019

**Status:** Ready for Ratification Convention Vote

**Effective Date:** Immediate

**IPOPL Number:**

**SPOPL Number:**

**Source:** NCAA Division III Management Council (Interpretations and Legislation Committee).

**Category:** Incorporation

**Topical Area:** Recruiting

**Intent:** To specify that gender and grade level are criteria that may be used to limit attendance at a sports camp and clinics and other athletics events and still consider it open to the general public.

**Bylaws:** Amend 13.11.3, as follows:

13.11.3 Permissible Events Involving Prospective Student-Athletes.

[13.11.3.1 unchanged.]

13.11.3.2 Sports Camps and Clinics and Other Athletics Events. An institution or an athletics department staff member may host, conduct or be employed by an event involving prospective student-athletes, provided:

(a) The event is open to the general public (limited only by number, ~~and~~ age, **gender and grade level**);

[13.11.3.2-(b) through 13.11.3.2-(d) unchanged.]

[13.11.3.2.1 through 13.11.3.2.3 unchanged.]

[13.11.3.3 through 13.11.3.5 unchanged.]

**Budget Impact:**

**Co-sponsorship - Conference:**

None

**Co-sponsorship - Institution:**

None

**Position Statements:**

**Review History:**

Oct 22, 2019: Approved in Concept - Management Council and Interpretations and Legislation Committee

Supplement No. 12, item 1b

**Additional Information:**

An institution or an athletics department staff member may host, conduct or be employed by an event involving prospective student-athletes, provided the event is open to the general public, as well as satisfies other listed criteria. Currently, the legislation indicates that if the event is limited by number and/or age it is still considered open. Incorporating the official interpretation [Reference: March 21, 2019, Item No. 2a] clarifies that a camp, clinic or other athletics event is still considered open to the general public if attendance is also limited by gender and/or grade level.

**Legislative References**

Legislative Cite	Title
13.11.3	Permissible Events Involving Prospective Student-Athletes.
13.11.3.2	Sports Camps and Clinics and Other Athletics Events.

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