



**Report of the
NCAA Division III Interpretations and Legislation Committee
February 14-15, 2023, Videoconference**

ACTION ITEMS.

1. Legislative items.

a. Noncontroversial Legislation -- Clarifying When Student-Athletes Can Participate in Outside Competition Under the New Playing Seasons Model.

- (1) Recommendation. That NCAA Division III Management Council approve in concept noncontroversial legislation establishing that (1) for fall and spring championship sports, the outside competition prohibition only applies to the traditional segment and (2) for winter championship sports, the prohibitions apply from the first contest to the last contest.
- (2) Effective date. August 1, 2023.
- (3) Rationale. Student-athletes may compete as members of an outside team provided the competition does not occur during the institution's defined playing season in the sport. Currently, this includes both the traditional and nontraditional segments. Both segments are clearly defined under the existing structure. Under the new playing and practice season model adopted at the 2023 NCAA Convention and effective August 1, 2023, institutions have greater flexibility to conduct practices outside the traditional/championship segment, resulting in the "defined season" becoming more difficult to apply for purposes of understanding when student-athletes may engage in outside competition. This recommendation clarifies when student-athletes may engage in outside competition under the new structure (1) for fall and spring championship sports (other than golf, rowing and tennis), student-athletes may engage in outside competition at any point outside the traditional segment; and (2) for winter championship sports student-athletes may engage in outside competition at any time before the first contest and after the final contest. (3) For period sports (golf, rowing and tennis), the periods are still clearly defined and therefore no change to the existing application is necessary (i.e., student-athletes may engage in outside competition at any time outside the institutional start and end date of the periods).
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. Provides opportunity for outside competition during the academic year.

b. Noncontroversial Legislation -- Clarifying the Counting of Days for Track and Field and Swimming and Diving Under the New Playing Seasons Model- Confirming the Definition of a Day.

- (1) Recommendation. That Management Council approve in concept noncontroversial legislation (a) establishing that an institution that uses the exception allowing for the day off to be student-athlete specific [Bylaw 17.1.4.1.1 (exception – track and field, indoor/outdoor and swimming and diving)] would not be charged for more than six days per defined week; and (b) confirming that the definition of a day used is consistent across winter sports, period sports and non-traditional segments.
- (2) Effective date. August 1, 2023.
- (3) Rationale. The committee confirmed that Proposal No. 2023-11, if adopted, would not change the application of Bylaw 17.1.4.1.1 which allows institutions to provide different days off during the week for swimming and diving and track and field student-athletes (in all other sports the day-off is the same for the entire team) and it would be reviewed to determine how to best account for these days under the new model. The committee concluded that if student-athletes are given different days off, then the team would not be charged more than six days per their defined week. This proposal would ensure that institutions using the exception for their track and field and swimming and diving teams can continue to minimize challenges such as limited facility availability and staffing concerns without having a negative impact to their use of days. In addition, the use of a day is already defined for the nontraditional segments for fall and spring and was inadvertently omitted for winter and period sports. This recommendation would apply the same definition to winter and period sports, thereby correcting that omission.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

c. Noncontroversial Legislation -- Permitting Student-Athletes to Participate in All-Star Contests Without Impacting Their Eligibility.

- (1) Recommendation. That Management Council approve noncontroversial legislation removing the prohibition on participating in collegiate all-star contests and applying the same standards as any outside competition opportunity.
- (2) Effective date. Immediate.

- (3) Rationale. Management Council approved in concept a recommendation from the Committee on Student-Athlete Reinstatement during the January 11, 2023, Council meeting that would change the penalty for participation in a collegiate all-star contest from permanent ineligibility to ineligibility subject to reinstatement. The Council also directed the Interpretations and Legislation Committee to review whether participation should even continue to be a violation. The Interpretations and Legislation Committee reviewed the issue and determined that there is not a basis for the continued prohibition. Collegiate all-star contests are the only amateur competition prohibited at any time for student-athletes. Additionally, there is little direction distinguishing an "all-star" contest from other permissible contests. There is, however, clear limitations that apply to all outside participation, [(See Bylaw 14.7.1 (outside competition); Bylaw 16 (awards, benefits and expenses) and Bylaw 12 (amateurism)] that will govern student-athletes' participation. The committee concluded that those safeguards are sufficient and therefore competition in collegiate all-star contests should not impact a student-athlete's remaining eligibility. Approval of this recommendation would render moot the previously referenced initial action of this Council changing the penalty associated with participation in an All-Star contest. Enacting with an immediate effective date, would allow student-athletes the opportunity to participate in these contests that occur at the end of the academic year.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. Permits student-athletes to participate in collegiate all-star contests.

d. Modification of Wording -- Involvement With Professional Teams -- Tryout With Professional Team -- Terms "Student-Athlete" and "Individual"

- (1) Recommendation. That Management Council approve in concept a modification of wording specifying that all individuals after full-time collegiate enrollment may try out with a professional team and receive actual and necessary expenses from the professional team for up to 48 hours.
- (2) Effective date. Immediate
- (3) Rationale. The committee reviewed Bylaw 12.2 (involvement with professional teams) and an inconsistency in the use of the terms "individual" and "student-athletes" within Bylaw 12.2.1. The inconsistent use of these terms in Bylaw 12.2.1 establishes greater restrictions on non-NCAA collegiate students than NCAA students regarding participating in professional tryouts. This could negatively impact individuals transferring to Division III. The intent of the bylaw was not to

treat these students differently. Rather, both an Official Interpretation 06/06/91 [Student-athletes Enrolled in Non-NCAA Institutions], and noncontroversial Proposal No. NC-2006-12 reinforce consistency in the use of the terms "individual" and "student-athlete." Therefore, the committee agreed a modification of wording was appropriate to eliminate the inconsistency and ensure that all individuals after full-time enrollment are eligible for the same opportunities with professional teams.

- (4) Estimated budget impact. None.
- (5) Student-athlete impact. Ensures that all students after full-time enrollment have the same opportunity to tryout with a professional team without impacting their amateurism status.

2. Nonlegislative items.

- **Approval of Official Interpretation reflecting the amended date established via adoption of NCAA Division III Proposal 2023-14**

- (1) Recommendation. That NCAA Division III Management Council approve the following official interpretation:

Institution That Does Not Require a Paid Acceptance or Financial Deposit for Admission or Financial Aid (III).

The NCAA Division III Interpretations and Legislation Committee determined it is permissible for an institution that does not require a paid acceptance or financial deposit in response to a written offer of aid or admission to use any form of communication with a prospective student-athlete after January 1 of the prospective student-athlete's senior year of high school and release publicity about a prospective student-athlete who has committed to the institution, provided the institution has received a commitment from the prospective student-athlete that is required of all incoming students.

[References: NCAA Division III Bylaws 13.02.10.5 (exception – after receipt of financial deposit) and 13.10.8 (announcement of acceptance)]

- (2) Rationale. With the adoption of Proposal No. 2023-14, public communication is now permitted to occur as early as January 1. The Interpretations and Legislation Committee noted the previously published 03/25/2011 official interpretation used the May 1 date. Because the interpretation is still appropriate and provides value to institutions that do not require paid acceptance or financial deposit, the committee recommends that it be re-issued with the new January 1 date.

- (3) Budget Impact. None.
- (4) Student-Athlete Impact. None.

INFORMATIONAL ITEMS.

1. **Review NCAA Division III Strategic Positioning Platform.** The committee reviewed the NCAA Division III Strategic Positioning Platform.
2. **Interpretations and Legislation Committee Roster.** The committee reviewed the roster and agreed to submit any corrections to staff.
3. **Review December Report.** The committee reviewed the report from its December 21, 2022, videoconference and did not recommend any changes.
4. **Review of Interpretations and Legislation Committee Policies and Procedures.** The committee reviewed its written policies and procedures and approved the updates and revisions (see attached).
5. **Review Divisions I, II and III Staff Interpretations.** It was noted there were no staff interpretations issued during this period.
6. **Review Divisions I and II Official Interpretations.** The committee reviewed official interpretations issued in Divisions I and II between September 1 and December 31, 2022 and took no action.
7. **Review Division I and II Legislative Actions.** The committee reviewed legislative actions in Divisions I and II between September 1 and December 31, 2022 and took no action.
8. **Review Division III Editorial Revisions.** The committee reviewed editorial revisions issued in Division III between September 1 and December 31, 2022 and took no action.
9. **Review Division III Educational Columns.** The committee reviewed educational columns issued in Division III between September 1 and December 31, 2022 and took no action.
10. **Requests/Self-Reports Online Update.** The committee reviewed a summary of the interpretative requests submitted via the Requests/Self-Reports Online case management system. The summary provided the number of interpretive requests, staff response times, and bylaw areas of the requests.

11. Update on Governance Issues. The Division III governance staff provided the committee with an update of the primary topics currently within the Division III governance structure.

12. Review Name, Image and Likeness guidance for institutional involvement. The committee reviewed a resource titled, "NCAA Division III Institutional Involvement in a Student-Athlete's Name, Image and Likeness Activities". The committee requested staff make updates for consideration at its next meeting.

13. Review of 2022 NCAA Convention Division III Legislation.

a. Educational Columns. The committee reviewed the question-and-answer document (now education columns) for the legislative proposals adopted at the 2023 NCAA Convention and instructed staff to do the following:

- (1) Create educational materials for questions concerning the new playing and practice season for Proposal No. 2023-11.
- (2) Incorporate the definition of the use of a day (Answer No. 3 for Proposal No. 2023-11) into legislation for winter and period sports. See Action Item 1(b); and
- (3) Archive the 03/25/2011 official interpretation and reissue the official interpretation with the January 1 date to align with Proposal No. 2023-14. See Action Item 2.

b. Bylaw 17 Next Steps. The Committee reviewed several issues regarding Proposal No. 2023-11 requiring clarification. See action items 1-a and -b. Additionally, the committee addressed the following:

- (1) Skiing. The committee reviewed the impact of the NCAA selection end date to the sport of skiing including a specific request from the skiing community to change the end date. The committee recognized the unintended impact on the sport and directed staff to work with the skiing community to find a reasonable alternative end date to consider at a future meeting.
- (2) Ice Hockey. The committee discussed whether, for the sport of ice hockey, there would be restrictions on the eight permissible out-of-season days. The committee noted that there is a start date for off-ice practices and a separate start date a week later for on-ice practices. The committee directed staff to gather feedback from the hockey community to consider at a future meeting.
- (3) Spring Sport Start Date. The committee reviewed a request to allow institutions to count their spring sport start date 15 weeks from the conference championship instead

of the newly legislated NCAA selection date. The committee did not recommend any changes at this time.

- (4) **Indoor Track and Field.** Upon request from a conference, the committee reviewed the application of official interpretation (02/25/2016, Item Ref. 2-b) addressing counting practices for the NCAA Indoor Track and Field Championship under the new playing seasons model. The committee recommended education under the new model but did not recommend any changes at this time.

14. Division III Interpretative Issues.

- a. Coaches as practice players.** The committee reviewed an official interpretation (08/29/2008, Item Ref. 3) prohibiting coaches from serving as practice players. The committee considered whether there should be different standards for student coaches and nonstudent coaches. The committee did not propose any changes and confirmed the interpretation is still appropriate.
- b. Publicity during campus visits.** The committee reviewed a staff interpretation (12/21/1988, Item Ref. h) clarifying how institutions can utilize scoreboards during prospective student-athletes' visits to campus. The committee determined that a display that is not intended for the general public; is not directed towards the general public and is displayed only while the stadium or arena is empty, would not constitute publicizing the recruitment of a prospective student-athlete and therefore would be permissible. The committee directed staff to update the 12/21/1988 staff interpretation including removing the language "not visible to the general public" to mitigate confusion.
- c. Personalized recruiting materials.** The committee discussed the permissibility of a prospective student-athlete (PSA) posting to social media pictures taken on a campus visit with personalized items created by the institution. The committee recognized the difficulty with the current approach that the institution can create personalized items (e.g., jersey with name, locker plate) for a PSA's campus visit, allow them to take a picture with such items, but not allow the PSA to post the picture. Consequently, the committee agreed that since it is permissible to create these items, then it should be permissible for the PSA to post their photos provided the photos are not posted at the direction of the institution/institutional staff. The committee directed staff to update the 05/08/2020 educational column to reflect this position. The committee further acknowledged that it would not be permissible to provide the PSA these personalized items. (Note: this would be distinguished from personalized recruiting materials which are more limited in scope and permissible to send to a PSA as defined in Official Interpretation dated 10/21/19.)
- d. Tryout with professional team.** See Action Item 1-d.

e. **All-star game.** See Action Item 1-c. The committee also directed staff to engage a broader review of Bylaw 16 to be conducted with the committee at a future meeting.

15. Division III legislative process. The committee continued its review of the legislative process, focusing specifically on proposal sponsorship requirements, legislative timelines and publication timelines. The committee discussed establishing a membership comment period for proposals, setting a more flexible sponsorship requirement for proposals that garner attention and allowing more flexibility within the amendment process. The committee directed staff to develop options incorporating these concepts.

16. Alternative meeting schedule. Staff proposed to the committee an alternative meeting schedule. The committee will review and discuss the alternative schedule at a future meeting.

17. 2023 NCAA Regional Rules Seminar. The committee received an update about the topics and sessions planned for the 2023 NCAA Regional Rules Seminar.

18. Future meetings. The committee reviewed its future meeting schedule.

19. Adjournment. The committee concluded its business and adjourned at 11:58 a.m. Eastern time, February 15, 2023.

Committee Chair: Keri Alexander Luchowski, North Coast Athletic Conference.
Staff Liaison(s): Jeff Myers, Academic and Membership Affairs
Becca Trovato, Academic and Membership Affairs
Sarah Turner, Academic and Membership Affairs

Division III Interpretations and Legislation Committee February 14-15, 2023, Videoconference	
Attendees:	
Kurt J. Beron, University of Texas at Dallas.	
Matt Hill, University of Northwestern-St. Paul.	
Jack Langan, Cornell College. (SAAC representative)	
Keri Alexander Luchowski, North Coast Athletic Conference.	
Bethany Marren, Rochester Institute of Technology.	
Michael A Mattia, Gettysburg College.	
Danielle O'Leary, William Peace University.	
Patrick B. Summers, New England Women's & Men's Athletic Conference.	

Absentees:
None.
Guests in Attendance:
None.
NCAA Staff Liaison (or Staff Support if subcommittee) in Attendance:
Jeff Myers, Becca Trovato, and Sarah Turner.
Other NCAA Staff Members in Attendance:
Tiffany Alford, Corey Berg, Joan Nissen and Bill Regan.