



**REPORT OF THE
NCAA DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE
FEBRUARY 7 AND 9, 2024, VIDEOCONFERENCE**

ACTION ITEMS.

1. Legislative items.

a. Noncontroversial Legislation – Establish Student-Athlete Protections Associated with Name, Image and Likeness Activities.

- (1) Recommendation. That NCAA Division III Management Council approve in concept noncontroversial legislation establishing resources for student-athletes engaging in name, image and likeness activities, including:
 - (a) Service Provider Registration: Voluntary registration process for NIL service providers (e.g., agents, financial advisors), with the expectation that entities provide required information as a part of the registration process.
 - (b) Educational Programming: The NCAA will manage a comprehensive educational program focusing on areas of interest, including but not limited to available resources, contract best practices and standardized terms, taxes and brand management.
- (2) Effective date. August 1, 2024.
- (3) Rationale. Student-athlete protections are designed to provide resources to student-athletes to make informed decisions as they navigate the NIL environment, not to exert control over a student-athlete's decision or curtail NIL opportunities. A national, centralized registration process that collects and publishes information on service providers interested in working with student-athletes would assist student-athletes with making informed decisions as they select service providers. Designing educational resources provides student-athletes and individuals working with student-athletes with information and clear guidelines on new NIL rules and policies. Additionally, making available practical resources for student-athletes such as resources to help them understand contracts including standardized contract terms and taxable income and establish a personal brand would better assist student-athletes in navigating the NIL environment.
- (4) Estimated budget impact. To be determined.
- (5) Student-athlete impact. Establishing student-athlete protections supports student-athlete success and well-being related to engaging in NIL activities.

b. Noncontroversial Legislation – Social Media and Voluntary Out-of-Season Activities - Bylaw 17.02.14

- (1) Recommendation. That Management Council approve in concept noncontroversial legislation permitting athletics staff and coaches to take actions of approval on out-of-season athletic content posted to social media sites by currently enrolled student-athletes without negating the voluntary nature of the activities.
- (2) Effective date. Immediate.
- (3) Rationale. To reflect the current landscape of social media, coaches and athletics staff should be permitted to take actions of approval on a student-athlete's post depicting out-of-season activities without negating its voluntary nature provided it was not posted at the direction of coaches or athletics staff. This alleviates some administrative burden for compliance staff, while also maintaining certain guardrails to protect student-athletes from being pressured by coaches and staff to engage in athletically related activities when out of season.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. Provides clarity for student-athletes regarding how coaches and athletics accounts may interact with their out-of-season athletically related social media posts.

c. Noncontroversial Legislation – Incorporate the Graduate/Postbaccalaureate Student Participation Directive into Legislation – Bylaw 14.1.8.

- (1) Recommendation. That Management Council approve in concept noncontroversial legislation to incorporate the existing graduate/postbaccalaureate student participation waiver directive for non-Division III graduates.

14.1.8.1 Graduates of a non-NCAA Division III Institution. A student who has graduated from a non-NCAA Division III institution may participate as a graduate or postbaccalaureate student provided they meet the criteria above and additionally meet the following:

- (a) The student-athlete graduated with an undergraduate degree within four academic years. Such documentation shall be in the form of the student-athlete's academic transcript and/or a written statement from an appropriate academic official from the previous institution (e.g., registrar);

- (b) The student-athlete has seasons of participation remaining. A season of participation shall be determined based on Bylaw 14.2.4.1 (minimum amount of participation), regardless of where (e.g., other NCAA division, NAIA) the participation occurs; and
 - (c) The student-athlete continued/maintained their education as a full-time student rather than having "breaks" (e.g., part time) in enrollment for no reason/circumstances beyond their control.
 - (2) Effective date. August 1, 2024.
 - (3) Rationale. Incorporating the existing waiver directive for graduate/postbaccalaureate students from non-Division III institutions will alleviate the administrative burden on member institutions, which are currently required to submit legislative relief waiver requests via RSRO. Further, the blanket waiver approved by the Division III Management Council Subcommittee for Legislative Relief has been in effect for the last two academic years permitting self-application of the waiver directive on campus; all feedback from the membership during this time has been positive. Finally, incorporation of the directive does not preclude institutions from seeking individual relief through the normal waiver process for student-athletes that do not satisfy the criteria.
 - (4) Estimated budget impact. None.
 - (5) Student-athlete impact. Increases opportunity for graduate/postbaccalaureate student participation by alleviating the burden on institutions who have previously been required to submit requests of this type into RSRO.
- d. Noncontroversial Legislation – Use of Season During Temporary Certification Period – Bylaw 12.1.1.4.1**
- (1) Recommendation. That Management Council approve in concept noncontroversial legislation for an exception that permits international students in the temporary 45-day certification period to practice without using a season of participation.
 - (2) Effective date. Immediate
 - (3) Rationale. Division III requires that international students enrolling at a Division III institution for the first time receive a final certification of amateurism by the NCAA Eligibility Center prior to being eligible to compete for their institution. Bylaw 12.1.1.4.1 (temporary certification) allows international students going through the Eligibility Center review process to practice, but not compete, for a maximum

45 days prior to receiving a final certification. Per Bylaw 14.2.4.1, practice after the first contest in the traditional segment results in that student-athlete being charged the use of a season of participation. If an international student's temporary certification period overlaps with the start of competition in the traditional segment, they would use a season without knowing if they incurred any amateurism conditions as a result of their pre-enrollment participation or amateurism status. This proposed change would allow an international student to participate during the temporary certification period and not be charged a season of participation, even if practice occurs after the team's first contest.

- (4) Estimated budget impact. None.
- (5) Student-athlete impact. International students can practice during the permitted temporary certification period without being charged the use of a season. After the Eligibility Center releases the decision, the institution and international student can make an informed decision on whether to use a season of participation based on whether the international student incurred any amateurism conditions.

2. Nonlegislative items.

- 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 November Report.** The committee reviewed reports from its November 8, 2023, videoconference and November 30, 2023, email feedback.
4. **Review of Interpretations and Legislation Committee Policies and Procedures.** The committee reviewed its written policies and procedures and determined that no updates or revisions were needed.
5. **Review Divisions I, II and III Staff Interpretations.** The committee reviewed Division III staff interpretations issued between September 1 and December 31, 2023, and took no further action. It was noted there were no Divisions I and II 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, 2023, and took no action. It was noted there were no Division III official interpretations issued during this period.
7. **Review Division I and II Legislative Actions.** The committee reviewed legislative actions in Divisions I and II between September 1 and December 31, 2023, 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, 2023, 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, 2023, 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 of 2024 NCAA Convention Division III Legislation.** The committee reviewed the question-and-answer document (now education columns) for the legislative proposals adopted at the 2024 NCAA Convention and took no further action.
13. **Review Name, Image and Likeness guidance for institutional involvement.** The committee reviewed four Division I legislative concepts related to student-athlete protections and recommended three for further consideration [See Action Item 1-a]. The committee also reviewed potential Division I concepts regarding the role of institutions and recruiting to determine relevance and concerns for Division III. The committee will continue to discuss these issues at future meetings.
14. **Division III Interpretative Issues.**
 - a. **Transfer Year in Residence.** The committee reviewed the December 2023 preliminary injunction in Division I and the transfer regulations in Division III, before discussing whether the current regulations remain appropriate for the membership. The committee did not propose any changes at this time. The committee agreed to continue its review of this issue during its March meeting and recognized the importance of getting additional

guidance from the NCAA Division III Student-Athlete Advisory Committee, the Faculty Athletic Representative Advisory Group and the Subcommittee for Legislative Relief.

- b. Social Media and Voluntary Out-of-Season Activities.** After reviewing feedback from the Student-Athlete Advisory Committee, the committee continued its discussion on social media deregulation in Bylaw 17 and identified an exception for further consideration [See Action Item 1-b.]. The committee directed staff to issue an educational column clarifying permissible interactions should the noncontroversial legislation be adopted.
 - c. Seasons of Participation.** The committee reviewed the application and history of Bylaw 14.2.4.1.4 and Bylaw 14.1.8. Two issues were presented by staff for discussion: (1) the differing season of participation standards for non-Division III undergraduate transfers and non-Division III graduate/postbaccalaureate student-athletes; and (2) the directive for participation as graduate/postbaccalaureate student-athletes for graduates of non-Division III institutions. The feedback on both issues will be shared with the Division III Subcommittee for Legislative Relief at its March 2024 meeting. [See Action Item 1-c]
 - d. Update on Playing and Practice Seasons.** The committee received an update on the issues previously raised by the membership following the implementation of the new playing and practice season model; specifically in the sports of skiing, acrobatics and tumbling and rugby. The committee agreed that feedback should be requested from coaches associations, including those of emerging sports, following the 2023-24 academic year. The committee will review the feedback at its June meeting.
 - e. Individual Sport Student-Athlete Declaring as a Professional.** The committee considered whether a student-athlete in an individual sport would jeopardize their amateurism status if they were to declare themselves as a professional athlete in that sport. An October 2, 1979, official interpretation indicates such declaration would result in the student becoming a professional. That interpretation was issued prior to significant changes in amateurism legislation adopted in 2002. This interpretation is inconsistent with current legislation and accordingly the committee directed staff to archive the official interpretation from October 2, 1979, and draft an updated interpretation using the current legislative definition of a professional athlete.
- 15. Review Interpretation Incorporation.** The committee approved in final legislative format incorporation of an interpretation which clarified when public communication may permissibly occur for institutions that do not require a paid acceptance or financial deposit (see Attachment A).
- 16. Sports Wagering.** The committee received an update on the current landscape of sports wagering in collegiate athletics and among student-athletes. The committee will continue to monitor and discuss at future meetings to determine if legislative changes may be appropriate.

- 17. Division III Legislative Process.** The committee reviewed a document that staff will use to gather feedback from the Division III Councils and other membership groups about updating the Division III legislative process. The document includes the concepts for consideration and rationale for the recommended changes. The committee will review at its June meeting (see Attachment B).
- 18. Alternative meeting schedule.** The committee agreed to continue with its alternative meeting schedule until it can be reviewed and discussed at its September meeting.
- 19. 2024 NCAA Regional Rules Seminar.** The committee received an update about the sessions planned for the 2024 NCAA Regional Rules Seminar.
- 20. Future meetings.** The committee reviewed its future meeting schedule.
- 21. Other Business.** Staff informed the committee that the Subcommittee for Amateurism Fact-Finding (SAFF) is meeting on Thursday, February 15 to review and recommend the committee's approval of policies and procedures. The committee agreed to vote on final approval via email.
- 22. Adjournment.** The committee concluded its business and adjourned at 1:12 p.m. Eastern time, February 9, 2024.

Committee Chair: Michael Mattia, Gettysburg College.
Staff Liaison(s): Corey Berg, Academic and Membership Affairs
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 7 and 9, 2024, Videoconference	
Attendees:	
Kurt J. Beron, University of Texas at Dallas.	
Rachana Bhat, Claremont McKenna-Harvey Mudd-Scripps Colleges.	
Crystal Gibson, St. Mary's College of Maryland.	
Jack Langan, Cornell College. (SAAC representative)	
Bethany Marren, Rochester Institution of Technology.	
Michael A Mattia, Gettysburg College.	
Danielle O'Leary, William Peace University.	
Sarah Otey, Ohio Athletic Conference.	
Andrea R. Ricketts-Preston, Mount Holyoke College.	

Absentees:
Harry Dumay, Elms College
Guests in Attendance:
None.
NCAA Staff Liaison (or Staff Support if subcommittee) in Attendance:
Corey Berg, Jeff Myers, Becca Trovato and Sarah Turner.
Other NCAA Staff Members in Attendance:
Eric Hartung, Kameron Jones, Jobrina Marques, Louise McCleary, Joan Nissen, Bill Regan and Jared Tidemann.

Division: III

Proposal Number: I-2025-1

Title: RECRUITING -- APPLICATION AND PUBLICITY -- INSTITUTIONS THAT DO NOT REQUIRE A PAID DEPOSIT

Convention Year: 2025

Date Submitted: October 19, 2023

Status: Ready for Consideration by Interpretations and Legislation Committee

Effective Date: Immediate

IPOPL Number:

SPOPL Number:

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

Category: Incorporation

Topical Area: Recruiting

Intent: To clarify when public communication may permissibly occur for institutions that do not require a paid acceptance or financial deposit.

A. Bylaws: Amend 13.02, as follows:

13.02.10.5 Exception -- After Receipt of Financial Deposit. On or after January 1 of a prospective student-athlete's senior year in high school, there shall be no limit on the forms of electronically transmitted correspondence that may be sent by an institution to a prospective student-athlete, provided the institution has received a financial deposit in response to the institution's offer of admission **or for institutions that do not require a paid acceptance or financial deposit, the institution has received a commitment from the prospective student-athlete that is required of all incoming students**. Content of any electronically transmitted correspondence sent within these parameters will not be considered publicizing recruitment of the prospective student-athlete as set forth in Bylaw 13.10.

B. Bylaws: Amend 13.10.8, as follows:

13.10.8 Announcement of Acceptance. Publicity released by an institution concerning a prospective student-athlete's commitment to attend the institution shall occur only after the paid acceptance of the institution's written offer of admission and/or financial aid **or for institutions that do not require a paid acceptance or financial deposit, after the institution has received a commitment from the prospective student-athlete that is required of all incoming students**. Such communications may be released to media outlets at the institution's discretion; however, an institution is prohibited from purchasing or receiving commercial advertising (e.g., print, media or billboard) to be used to identify a prospective student-athlete by name or picture. [D]

[13.10.8.1 unchanged.]

Budget Impact: None.

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Additional Information:

The incorporation of this official interpretation clarifies when public communication may permissibly occur for institutions that do not require a paid acceptance or financial deposit. Incorporation of this official interpretation ensures a consistent application of when athletics staff members may engage in public communications per Bylaw 13.02.10.5 or publicity per Bylaw 13.10.8.

Legislative References

Legislative Cite	Title
13.02.10.5	Exception -- After Receipt of Financial Deposit.
13.10.8	Announcement of Acceptance.



**Interpretations and Legislation Committee
Potential Legislative Process Changes for Consideration**

During several meetings in 2023, the Division III Interpretations and Legislation Committee discussed the current legislative process and potential changes that would encourage: (1) more membership involvement; and (2) more collaboration between the membership and the governance structure. Rooted in that rationale, the committee endorsed several concepts (outlined below) with the direction that the proposed changes should be first reviewed by the Division III parliamentarian and then further discussed with the membership before a final recommendation is made to Management Council. Proposed timeline:

- Parliamentary review: Completed. The Parliamentarian has reviewed and did not express any concerns with process.
- April Management Council Meeting: Council will review the model and forward along questions or concerns.
- April through June: Membership review. During this time there are multiple opportunities for membership discussion including Regional Rules Seminar; Conference Rules Seminar; Commissioners Meetings and other conference meetings.
- June ILC meeting: Review and final recommendation to Management Council.
- July Management Council meeting: Consider ILC's recommendation for potential 2025 Convention proposal.

Below is an outline of the proposed changes along with the rationale for those changes. The committee is asked to review and provide the following information: (1) Does this reflect the changes the committee wants to provide to the membership for discussion; (2) Is the rationale for each section accurate; and (3) What are some effective ways to present this model to receive meaningful discussion and feedback?

Proposed changes.

Change No. 1: Change the initial sponsorship deadline.

- **Details.**
 - The initial submission deadline for membership sponsored proposals would move earlier from July 15th to July 1st.

- Only one multi-sport conference or 10 member institutions would need to indicate sponsorship by July 1st (This is the same threshold as is currently required for July 15th)
- The submission would only require intent statement, rationale and impacted bylaws (The current process requires that the proposal is submitted in final legislative format).
- **Rationale.**
 - This earlier date guarantees that national Student-Athlete Advisory Committee is able to review and better understand the proposals at its July meeting, as well as for Division III Management Council to review before referring to committees for input.
 - Only requiring intent statement, rationale and the impacted bylaws allows the sponsors to focus on the purpose of the proposal without the added task of drafting the actual proposal. The additional time for drafting allows the sponsors to work collaboratively with NCAA staff to prepare the final draft of the proposal after discussion and feedback occur.

Change No. 2: Establish a comment period in which the membership may provide feedback regarding submitted concepts.

- **Details.**
 - The concepts submitted by July 1st would be posted and available for review by the membership.
 - Between the posting date and August 15th, the membership could submit feedback to the sponsors for review and consideration.
 - The membership could also submit comments to governance sponsored concepts, although due to the timing of the summer governance meetings there would be a shorter timeframe to provide comments.
- **Rationale.**
 - The comment period creates an avenue for discussion earlier in the legislative process and encourages more membership involvement generally.

- It allows for sponsors to change proposals prior to September 15th if comments suggest change.

Change No. 3: Establish an exception to the July 1st sponsorship deadline.

- **Details.**

- A membership proposal may be submitted after July 1st but no later than September 15th if it:
 - > Is sponsored by four multi-sport conferences or 20 institutions from at least four different conferences; and
 - > If submitted after August 15th, then such must be submitted in final legislative format.
 - > If submitted prior to August 15th, it may benefit from the comment period.

- **Rationale.**

- There may be instances in which discussion occurs or circumstances arise after July 1st in which legislative change seems prudent. This exception allows for that submission, and the increased sponsorship requirements recognize that if a proposal is submitted after the deadline, then it should have broad based support to move forward in the process.
- Membership-sponsored proposals overwhelmingly come from two or more conferences as opposed to 20 member institutions. The number of institutions required to sponsor a proposal remains the same for this exception as the existing 20-member threshold represents a significant challenge. But to ensure that any proposal sponsored via this exception has broad based support, those 20 institutions must come from at least four different conferences.

Change No. 4: Change the final date by which a proposal must receive full sponsorship.

- **Details.**

- Extend the proposal submission deadline for full sponsorship from September 1 to September 15.
- Proposals would be due in final form by September 15th.

- Governance sponsored proposals would also be due by September 15th.
- **Rationale.**
 - Publications are now only produced online and do not require the current length of time (i.e., 23 days) to prepare.
 - This provides additional time to incorporate feedback, get additional sponsors and draft the final proposal.

Change No. 5: Eliminate the Initial Publication of Proposed Legislation but maintain the Second Publication of Proposed Legislation (under a different name).

- **Details.**
 - The IPOPL provides all proposals submitted by the membership that satisfied the initial sponsorship deadline.
 - Currently, the SPOPL is posted no later than September 23 and provides all proposals (membership and governance) that satisfied the sponsorship requirements for consideration at the Convention.
 - The SPOPL would remain as the first publication that contains the proposals for convention and provides the starting point for the amendment-to-amendment period.
- **Rationale.**
 - Under the proposed format, the concepts submitted by July 1st would be available online and viewable for comment shortly after the submission deadline, thereby negating the need for the IPOPL.
 - Maintaining a publication that incorporates the final legislative format, including any changes to the initial concepts would provide the membership sufficient notice of what is moving forward for convention.
 - This will also provide the notice that is necessary if the membership wants to consider submitting amendments to the proposals.

Change No. 6: Allow amendments that increase the modification of the original proposal.

- **Details.**

- The amendment-to-amendment period would remain as September 23 to November 1st.
- Two member conferences or 20 member institutions or the Management and Presidents Councils can submit amendments that decrease the modification.
- Currently, only original sponsors of the proposal are allowed to submit amendments that increase the modification of the original proposal (See, 2024 Proposal No. 2).
- This concept would allow amendments that increase the modification by sponsors in addition to the original sponsors provided the amendment is submitted by the following:
 - > Four member conferences or 20 institutions from at least four different conferences; or
 - > Presidents Council or Management Council by a three-fourths vote.

- **Rationale.**

- Allowing an amendment to increase the modification of a proposal could have a significant impact on the sponsors original intent and could significantly alter the conversation.
- There may be circumstances to suggest where such modifications are warranted and could result in a productive outcome.
- This exception allows for that process to occur but only if there is a higher threshold of sponsorship as a potential check on the potential significant deviation from the sponsors original intent.