



**REPORT OF THE
NCAA DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE
MARCH 21, 2019, TELECONFERENCE**

ACTION ITEMS.

1. Legislative items.

- **Noncontroversial Legislation -- NCAA Division III Constitution 2.1 -- Institutional Control and Responsibility -- Constitution 2.8 -- Attestation and Certification of Rules Compliance.**
 - (1) Recommendation. That the NCAA Division III Management Council approve in concept and in final form noncontroversial legislation amending NCAA Constitution 3.3.4 (conditions and obligation of membership) and NCAA Division III Bylaw 31.2.1 (institutional eligibility) clarifying that: (1) an institution's chancellor or president shall attest, annually by October 15, to understanding the institutional obligations and personal responsibilities imposed by Constitution 2.1 (principle of institutional control and responsibility) and Constitution 2.8 (principle of rules compliance); and (2) An institution's director of athletics shall certify, annually by October 15, that specified conditions for entry of individuals and teams in NCAA championship competition have been satisfied, including an attestation of understanding the institutional obligations and personal responsibilities imposed by Constitution 2.1 and Constitution 2.8 and that all athletics department staff members (full-time, part-time, clerical, and volunteer) are aware of the institutional obligations and personal responsibilities imposed by Constitution 2.1 and Constitution 2.8. (See Attachment.)
 - (2) Effective date. August 1, 2019.
 - (3) Rationale. In August 2018, in response to a recommendation from the Commission on College Basketball and the Board of Governors the Division III Presidents Council, along with the leadership from Divisions I and II endorsed a noncontroversial proposal to require each chancellor or president to join all athletics staff members in personally affirming that the athletics program meets the NCAA membership obligations for institutional control and rules compliance. While this was already a Division III requirement the proposal also includes a penalty for failure to make this affirmation. The penalty would preclude institutional teams and individuals from participating in NCAA championships and prohibit institutional staff from serving on NCAA committees or councils. After adoption of this proposal, additional review resulted in the need to further refine the appropriate accountability and responsibilities of chancellors and president

and director of athletics. Specifically, the proposal shifts some compliance certification requirements related to the athletics program from the chancellor or president to the athletics director while maintaining that the chancellor or president affirms understanding the institutional and personal obligations. Additionally, this proposal relieves athletics staff from the undue administrative requirement of having each staff member provide a written attestation of rules compliance. Institutions must still inform staff of their obligations but will have the discretion to determine the best way to ensure this is completed. The changes reflected in this proposal more appropriately clarify the roles and responsibilities of chancellors, presidents and athletics directors with respect to rules compliance.

- (4) Budget impact. None.
- (5) Student-athlete impact. None.

2. Nonlegislative items.

a. **Approve Official Interpretation -- Definition of Physical Athletically Related Activities.**

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

Definition of Physical Athletically Related Activities. The Division III Legislative and Interpretations Committee confirmed that physical athletically related activities include (but are not limited to) weight training, strength and conditioning and on-field activities. Leadership programs that include physical activity such as rope course, SEAL training, etc. are also considered physical athletically related activities. Other leadership programming, film review and team meetings are not considered physical athletically related activities and, therefore, may occur any day of the preseason before classes are in session. Medical treatments, including rehabilitative exercises, are permitted.

Furthermore, medical and athletic training staff should exercise professional discretion when determining whether a leadership or team activity would be associated with a typical football practice event and contrary to the intent of facilitating physical and mental rest during that day.

[References: NCAA Division III Bylaw 17.10.2 (preseason practice)]

- (2) Effective date. Immediate.

- (3) Rationale. During its February 2019 meeting, the committee reviewed the 2019 NCAA Convention Division III question and answer document. The committee requested the staff prepare an official interpretation based on a question within that document explaining what is considered a physical athletically related activity for purposes of determining permissible activities on days off during the preseason practice period. The committee believes that elevating this to an official interpretation will help institutions appropriately apply the legislation
- (4) Budget impact. None.
- (5) Student-athlete impact. Promotes student-athlete health and safety.

b. Approve Official Interpretation -- Permissible Limitations for Participation in Camps, Clinics and Other Athletics Events.

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

Permissible Limitations for Participation in Camps, Clinics and Other Athletics Events. The Division III Interpretations and Legislation Committee confirmed that a camp, clinic or other athletics event is considered open to the general public even if participation is limited by number, age, gender and grade level. Participation limited by academic criteria (e.g., grade-point average, standardized test score) is not considered open to the general public.

[References: NCAA Division III Bylaw 13.11.3.2 (sports camps and clinics and other athletics events)]

- (2) Effective date. Immediate.
- (3) Rationale. During its February 2019 meeting, the committee reviewed whether a camp, clinic or event was limited to individuals who met a specific academic requirement. The committee determined that a specific academic requirement (e.g., grade-point average minimum) is not a permissible criterion and consequently, the event would not be considered open to any and all entrants. This official interpretation addresses the permissible limitations on participation for camps, clinics and athletics events and notes the academic-requirement distinction.
- (4) Budget impact. None.

- (5) Student-athlete impact. None.

c. Approve Official Interpretation -- Participation on a Major Junior Ice Hockey Team

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

Participation on a Major Junior Ice Hockey Team. The NCAA Division III Interpretations and Legislation Committee determined that an individual that participates in a tryout or minimal practice with a Major Junior ice hockey team prior to collegiate enrollment does not constitute participation on a Major Junior ice hockey team. Participation on a Major Junior ice hockey team prior to collegiate enrollment results in the individual using a season of participation for each calendar year in which the participation occurs. Additionally, the individual would have to fulfill an academic year in residence prior to competing in intercollegiate hockey.

The following constitutes participation on a Major Junior ice hockey team:

- (a) Competing with a Major Junior team, including scrimmages and exhibitions. Intra-squad scrimmages are not competitions.
- (b) Practicing during the regular or post-season in excess of 48-hours.
- (c) Appearing on a team roster at any time during the regular or post season.

The following would not constitute participation on a Major Junior ice hockey team:

- (a) Participating in preseason (i.e., period before first regularly scheduled contest) provided no competition against another team occurs.
- (b) Engaging in a tryout activity not exceeding 48-hours at any time.
- (c) Participating in spring/development minicamps.

[References: NCAA Division III Bylaws 12.2.3.2.4 (major junior ice hockey) and 14.2.4.4.3 (major junior ice hockey)]

- (2) Effective date. Immediate.

- (3) Rationale. At its February 2019, meeting, the NCAA Division III Interpretations and Legislation Committee reviewed how to interpret "participation on a team" for purposes of determining if a prospective student-athlete has used a season of participation per Bylaw 14.2.4.4.3 (major junior ice hockey). The committee reviewed the Major Junior model and the numerous ways an individual may participate on or with a Major Junior team. This interpretation represents the committee's determination clarifying the level of participation that constitutes a use of a season per Bylaw 14.2.4.4.3.
- (4) Budget impact. None.
- (5) Student-athlete impact. None.

INFORMATIONAL ITEMS.

1. **Review of February report.** The committee reviewed and approved the report from its February 11-12 in-person meeting.
2. **Review appeal of RSRO staff interpretation.** The committee reviewed an appeal of a staff interpretation and upheld staff's decision.
3. **Future meetings.** The committee reviewed dates and times for upcoming meetings and teleconferences.
4. **Other business.** None.
5. **Adjournment.** The committee adjourned at 1:03 p.m. Eastern time.

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

NCAA Division III Interpretations and Legislation Committee March 21, 2019, Meeting	
Attendees:	
Amy Backus, Case Western Reserve University.	
Allie Littlefox, Mills College.	
Gregg Kaye, Commonwealth Coast Conference.	
Angie Morenz, Blackburn College.	
Michelle Morgan, John Carroll University.	
Mila C. Su, Plattsburgh State University of New York.	

Absentee:
Jim Cranmer, St. Mary's College of Maryland.
Annabelle Feist, Williams College (student-athlete).
NCAA Staff Liaisons in Attendance:
Jeff Myers, Kaitlyn Purcell and Bill Regan.
Other NCAA Staff Members in Attendance:
Shannon Blevins and Louise McCleary.

Division: III

Proposal Number: NC-2020-5

Title: MEMBERSHIP AND CHAMPIONSHIPS -- CONDITIONS AND OBLIGATIONS OF MEMBERSHIP -- ELIGIBILITY FOR CHAMPIONSHIPS -- ATTESTATION AND CERTIFICATION OF COMPLIANCE OBLIGATIONS

Convention Year: 2020

Date Submitted: March 14, 2019

Status: Ready for Consideration by Management Council

Effective Date: August 1, 2019

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Membership

Intent: To specify that (a) An institution's chancellor or president shall attest, annually by October 15, to understanding the institutional obligations and personal responsibilities imposed by Constitution 2.1 (Principles of Institutional Control and Responsibility) and Constitution 2.8 (Principle of Rules Compliance); and (b) An institution's director of athletics shall certify, annually by October 15, that specified conditions for entry of individuals and teams in NCAA championship competition have been satisfied, including an attestation of understanding the institutional obligations and personal responsibilities imposed by Constitution 2.1 and Constitution 2.8 and that all athletics department staff members (full-time, part-time, clerical, volunteer) are aware of the institutional obligations and personal responsibilities imposed by Constitution 2.1 and Constitution 2.8.

A. Constitution: Amend 3.2, as follows:

3.2 Active Membership.

[3.2.1 through 3.2.3 unchanged.]

3.2.4 Conditions and Obligations of Membership.

3.2.4.1 General. The active members of this Association agree to administer their athletics programs in accordance with the constitution, bylaws and other legislation of the Association.

[3.2.4.2 through 3.2.4.12 unchanged.]

3.2.4.13 Chancellor or President Attestation of Compliance Obligations. An active member institution shall not be eligible to enter a team or individual competitors in an NCAA championship and shall be subject to removal from and/or ineligibility of individuals to serve on an NCAA board, council or committee unless its president or chancellor attests to understanding the institutional obligations and personal responsibilities imposed by Constitution 2.1 (Principle of Institutional Control and Responsibility) and Constitution 2.8 (Principle of Rules Compliance) annually by October 15. [See Bylaw 31.2.1-(d)].

~~3.2.4.13~~ **3.2.4.14** Compliance-Related Certification. A member institution shall not be eligible to enter a team or individual competitors in an NCAA championship and shall be subject to removal from and/or ineligibility of individuals to serve on an NCAA board, council or committee unless ~~its president or chancellor makes~~

~~an annual institutional eligibility certification~~ **it certifies** [see Bylaw 31.2.1-(d)] attesting that the conditions specified **of Bylaw 31.2.1.7** have been satisfied.

[3.2.4.14 through 3.2.4.21 renumbered as 3.2.4.15 through 3.2.4.22, unchanged.]

[3.2.5 through 3.2.6 unchanged.]

B. Administrative: Amend 31.2, as follows:

31.2 Eligibility for Championships.

31.2.1 Institutional Eligibility. To be eligible to enter a team or an individual in NCAA championship competition, an institution shall recognize the sport involved as a varsity intercollegiate sport (see Bylaw 17.02.13) and shall:

[31.2.1-(a) through 31.2.1-(c) unchanged.]

(d) The institution's chancellor or president shall attest to understanding the institutional obligations and personal responsibilities imposed by Constitution 2.1 (Principle of Institutional Control and Responsibility) and Constitution 2.8 (Principle of Rules Compliance) annually by October 15;

~~(e) Certify through its president or chancellor on a form approved by the Management Council, the~~ **The institution's director of athletics shall certify, annually by October 15, the** institution's compliance with NCAA legislation. ~~The certification of compliance shall be completed not later than September 15, shall be kept on file at the institution, and shall adhere to the requirements set forth in~~ Bylaw 31.2.1.7;

[31.2.1-(e) through 31.2.1-(h) relettered as 31.2.1-(f) through 31.2.1-(i), unchanged.]

[31.2.1.1 through 31.2.1.6 unchanged.]

31.2.1.7 Certification of Compliance -- Requirements. The **institution's director of athletics shall certify that the** following conditions ~~shall be~~ **have been** satisfied. **(See Constitution 3.2.4.14)**

31.2.1.7.1 NCAA Rules Review. The ~~president or chancellor,~~ **director of athletics** or a designated representative, has reviewed with all athletics department staff members the rules and regulations of the NCAA as they apply to the administration and conduct of intercollegiate athletics.

31.2.1.7.2 Attestation of Compliance Obligations. The ~~president or chancellor and all athletics department staff members (full time, part time, clerical, volunteer) shall attest that the obligations in~~ **director of athletics attests to understanding the institutional obligations and personal responsibilities imposed by** Constitution 2.1 (Principle of Institutional Control and Responsibility) and Constitution 2.8 (Principle of Rules Compliance) ~~have been met. (See Constitution 3.2.4.13.)~~ **and that all athletics department staff members (full-time, part-time, clerical, volunteer) are aware of the institutional obligations and personal responsibilities imposed by Constitution 2.1 and Constitution 2.8 annually by October 15.**

31.2.1.7.3 Coaching Staff Disciplinary Actions. At the time of such certification, and as a result of involvement in a violation of the Association's legislation as determined by the Committee on Infractions or the Management Council, no current member of the institution's coaching staff:

[31.2.1.7.3-(a) through 31.2.1.7.3-(c) unchanged.]

31.2.1.7.3.1 Period of Suspension or Prohibition. The period of suspension or prohibition established by the Committee on Infractions or the Management Council must be in effect for the provisions set forth in Bylaw 31.2.1.7.3 to apply.

31.2.1.7.3.2 Due-Process Requirement. The affected coaching staff member must be given through the appropriate institution notice of an opportunity to be heard at both the NCAA hearing resulting in the finding of involvement in the violation and the institutional hearing resulting in suspension or prohibition.

31.2.1.7.4 Certification of Policies, Procedures and Practices. The policies, procedures and practices of the institution, its staff members and representatives of its athletics interests are in compliance at the

present time with the Association's legislation insofar as the ~~president or chancellor~~ **director of athletics** can determine.

[31.2.1.7.5 through 31.2.1.7.6 unchanged.]

[31.2.1.8 through 31.2.1.10 unchanged.]

[31.2.2 through 31.2.3 unchanged.]

Budget Impact: None.

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Additional Information:

In August 2018, in response to a recommendation from the Commission on College Basketball and the Board of Governors, the Division III Presidents Council approved Noncontroversial Proposal No. NC-2019-13. After adoption of this proposal, additional review resulted in the need to further refine the appropriate accountability and responsibilities of chancellor and president and director of athletics. Specifically, the proposal shifts some compliance certification requirements related to the athletics program from the chancellor or president to the athletics director while maintaining that the chancellor or president affirms understanding the institutional and personal obligations. Additionally, this proposal relieves athletics staff from the administrative requirement of having each staff member provide a written attestation of rules compliance. Institutions must still inform staff of their obligations but will have the discretion to determine the best way to ensure this is completed. The changes reflected in this proposal more appropriately clarify the roles and responsibilities of chancellors, presidents and athletics directors with respect to rules compliance.

Legislative References

Legislative Cite	Title
3.2	Active Membership.
3.2.4	Conditions and Obligations of Membership.
3.2.4.1	General.
3.2.4.13	Compliance-Related Certification.
31.2	Eligibility for Championships.
31.2.1	Institutional Eligibility.
31.2.1.7	Certification of Compliance -- Requirements.
31.2.1.7.1	NCAA Rules Review.
31.2.1.7.2	
31.2.1.7.3	Coaching Staff Disciplinary Actions.
31.2.1.7.3.1	Period of Suspension or Prohibition.
31.2.1.7.3.2	Due-Process Requirement.
31.2.1.7.4	Certification of Policies, Procedures and Practices.

