



**REPORT OF THE  
NCAA DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE  
SEPTEMBER 20-21, 2018, MEETING**

**ACTION ITEMS.**

**1. Legislative items.**

**a. Noncontroversial Legislation – Playing and Practice Seasons – Definitions and Applications – Athletically Related Activities -- NCAA Bylaw 17.02.1.1.**

- (1) Recommendation. That the NCAA Division III Management Council sponsor noncontroversial legislation to revise the definition of a captain's practice in NCAA Bylaw 17.02.1.1-(g) by eliminating the provision that a captain's practice is "confined primarily to members of that team."
- (2) Effective date. Immediate.
- (3) Rationale. The membership has regularly indicated that the legislation regulating when and how student-athletes engage in sport-specific activities outside the season with their teammates is confusing, difficult to monitor and not practical. It is understood that student-athletes are going to engage in sport-specific activities with their teammates outside the season. Consequently, the membership, including the NCAA Division III National Student-Athlete Advisory Committee, advocated for greater latitude to allow these interactions to occur, but, to maintain prohibitions on athletics staff involvement and making the activities mandatory. Under the current legislation, the element that is most concerning is that the activity must be open and cannot be limited to members of a team. The NCAA Division III Interpretations and Legislation Committee indicated the focus should not be on who engages in the activity, but is the activity required for participation. This legislative amendment would clarify that student-athletes could participate in an activity limited to members of that team provided there is no coach involvement and the activity is voluntary.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

**2. Nonlegislative items.**

**a. Convention Proposal Grouping for 2019.**

- (1) Recommendation. That Management Council recommend NCAA Division III Presidents Council designate that votes for all proposals at the 2019 NCAA Convention be taken using the roll-call method, regardless of

grouping (presidential or general) and approve the voting order as set forth in the attached document. (Attachment)

2. Effective date. Immediate.
3. Rationale. While Presidents Council is responsible for establishing the order of proposal voting as well as the method for conducting those votes, the committee conducts an initial review and makes a recommendation on both issues. Since the electronic voting units and technology permit the recording of all votes in an expeditious manner, the committee agreed that votes for all proposals (presidential and general grouping) should be taken using the roll-call method as it provides transparency for the membership. Further, the committee submits a proposed voting order as set forth in the Attachment.
4. Estimated budget impact. None.
5. Student-athlete impact. None.

**b. Approve Official Interpretation – Four-Year College Prospective Student-Athletes – Notice to Transfer in NCAA Transfer Portal (III).**

- (1) Recommendation. The Management Council approve the official interpretation to clarify that the notification of transfer within the NCAA Transfer Portal equates to a permission to contact; thereby allowing Division III coaches to contact student-athletes that are in the NCAA Transfer Portal.

Notice to Transfer in NCAA Portal (III). The committee determined that Division III athletics staff may contact student-athletes that appear in the NCAA Transfer Portal as the notification of transfer constitutes a written permission to contact for purposes of Division III.

[References: NCAA Division III Bylaw 13.1.1.2]

- (2) Rationale. Division III athletics staff and coaches have access to search the NCAA Transfer Portal database that allows student-athletes to provide a notification of transfer to their current institution. Once notified, the student-athlete is placed in the database that is searchable by NCAA coaches. This interpretation would not change Division III permission-to-contact requirements, but rather, permit the student-athlete's notification of

transfer in the NCAA Transfer Portal to satisfy the written permission requirement in the Division III legislation.

- (3) Estimated budget impact. None.
- (4) Student-athlete impact. Student-athletes in the transfer portal are subject to the same contact requirements regardless of the division of the coach wanting to contact the four-year prospective student-athlete.

**c. Amend Official Interpretation – Offers and Inducements – Providing a Digital Photograph to a Prospective Student-Athlete (III).**

- (1) Recommendation. That Management Council approve the amendment of the official interpretation [Reference: 2/23/18, Item No. 2a] to remove "unaltered" from the description of the type of digital photograph an institution may provide a student-athlete after a campus visit.

Providing a Digital Photograph to a Prospective Student-Athlete (III). The committee confirmed that it is permissible for an institution to provide a prospective student-athlete with ~~an unaltered~~ digital photograph taken during a campus visit. Digital photographs provided in this manner would not constitute an impermissible offer or inducement.

[References: NCAA Division III Bylaws 13.2.1 (general regulation), 13.6 (official visit), 13.7 (unofficial visit), 13.10.6 (photograph of prospective student-athlete), and a staff interpretation (12/12/2017, Item No. a, which has been archived)]

- (2) Rationale. The amendment of this official interpretation provides consistency with Bylaw 13.4.1 (recruiting materials), which permits a coach to send photographs/graphics to prospective student-athletes and to personalize materials produced by the coaching staff or institution, provided those materials are on official athletics publications (e.g., institutional letterhead, institutional email, institutional postcard) published or produced by the institution.
- (3) Estimated budget impact. None.
- (4) Student-athlete impact. None.

**INFORMATIONAL ITEMS.**

1. **Welcome and announcements.** The chair, Chuck Brown, noted this was his last in-person meeting and welcomed new members to the NCAA Division III academic and membership affairs team including Shannon Blevins (intern), Kaitlyn Purcell (assistant director) and Bill Regan (associate director).
2. **Committee roster.** The committee reviewed its roster and agreed to submit any corrections to staff.
3. **Review July report.** The committee reviewed and approved the report from its July 19, 2018, teleconference.
4. **Review NCAA Division III Strategic Positioning Platform.** The committee reviewed the NCAA Division III Strategic Positioning Platform.
5. **Update on governance issues.** The Division III governance staff provided the committee an update on the primary topics within the Division III governance structure for the 2018-19 academic year. The topics included:
  - NCAA Board of Governors: Commission on College Basketball Association-Wide Vote and Division III Sexual Violence Prevention Policy;
  - Sports wagering;
  - Alcohol sales at joint championships;
  - Joint basketball championship;
  - Injury surveillance program;
  - Transfer portal;
  - International ice hockey pilot;
  - Faculty athletics representatives working group;
  - LGBTQ working group;
  - Gameday the DIII way working group;

- Diversity and inclusion working group; and
  - DIII identity video.
6. **Review NCAA Divisions I, II and III staff interpretations.** The committee reviewed staff interpretations issued in Divisions I and III between February 1 and August 31, 2018, and took the following action: (There were no staff interpretations issued for Division II during this period.)
- Directed staff review Division I staff interpretation [Reference: 8/31/2018, Item No. a] permitting an institution to provide meals, lodging and/or entertainment during an official visit to a sibling of a prospective student-athlete who is also prospect-aged and/or being recruited by the institution without the visit constituting an official visit for the sibling. The committee instructed staff to review this issue from a legislative and interpretive perspective for consideration at a future meeting.
7. **Review Division III official interpretations.** The committee reviewed official interpretations issued in Division III between February 1 and August 31, 2018, and took the following action:
- Directed staff to amend Division III official interpretation [Reference: 8/13/2018, Item No. a] to distinguish intramurals from an institutionally sponsored recreation league for future review by this committee.
8. **Review Divisions I and II official interpretations.** The committee reviewed official interpretations issued in Divisions I and II between February 1 and August 31, 2018, and did not identify any official interpretations for further review.
9. **Review Divisions I and II legislative actions.** The committee reviewed legislative actions in Divisions I and II between February 1 and August 31, 2018, and specifically discussed the following:
- **Division I Proposals Nos. 2017-27 and 2017-109:** Directed staff to review these proposals incorporating more inclusive legislative language for discussion at a future meeting.
10. **Review Division III editorial revisions.** The committee reviewed editorial revisions issued in Division III between February 1 and August 31, 2018.
11. **Review Division III educational columns.** The committee did not review any educational columns, as none were issued between February 1 and August 31, 2018.

12. **Review of 2019 NCAA Convention Division III legislation.** The committee reviewed the Division III proposals under consideration for the Convention and offered suggestions for the question and answer document. The committee did not recommend any amendments to the proposals.
13. **Division III interpretative issues.**
  - a. **Update on Division I health and safety survey.** The committee reviewed information about the Division I health and safety survey to determine if the committee should recommend a similar required survey for Division III. The committee did not make a recommendation but requested an update at its February 2019 meeting regarding the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports' review of the survey data and Division II's 2019 proposal to require a similar survey.
  - b. **NCAA Sports Science Institute recommendation.** A member of the Sports Science Institute staff reviewed the draft Interassociation Recommendations: Preventing Catastrophic Injury and Death in College Student-Athletes with the committee. Staff provided an update on the timeline of potential approval and legislative implications of the recommendations.
  - c. **Letters of recommendation for student-athletes from institutional athletics staff.** The committee reviewed whether institutional athletics staff providing a letter of recommendation on behalf of a student-athlete constituted an extra benefit. Further, the committee reviewed whether that recommendation could be for a benefit that constituted financial aid as athletics staff members may not be involved in influencing the financial aid decision, nor may athletics be considered in the awarding process. The committee agreed that an institutional staff member may provide a letter of recommendation for a student-athlete but requested further discussion at a future meeting regarding the financial aid implications.
  - d. **Institutional staff member "re-tweeting" a student-athlete's out-of-season social media post.** The committee reviewed whether an institutional athletics staff member or coach may "re-tweet" a student-athlete's post of activities the staff member or coach could permissibly observe under Bylaw 17.02.1.1.1.3-(b). The committee agreed that it would be permissible for the coach to use the team's twitter page to "re-tweet" a student-athletes post from an activity the coach is permitted to observe out-of-season, provided the coach did not direct or supervise the activity and the opportunity to observe the activity was open to all.
  - e. **Update regarding day off when contest is postponed or cancelled.** The committee reviewed the comments from Division III conference commissioners

regarding Division I legislation allowing a day when a contest is cancelled or postponed to satisfy the mandatory day off in Bylaw 17.1.4.1 even if the student-athletes engaged in athletically related activities prior to the contest being cancelled. Based on the comments the committee took no further action.

- f. Student-athlete employment in athletics department.** The committee reviewed the staff responses to questions involving student-athlete employment in the athletics department. The committee instructed the staff to continue to address these on a case-by-case basis consistent with previous staff responses and took no further action.
  - g. Appeal of staff interpretation: student housing as compensation for student host service to only prospective student-athletes.** The committee reviewed whether a student-athlete may receive a reduced housing rate in exchange for serving as a campus student host to prospective student-athletes only. Considering the extra benefit and financial aid legislation (Bylaws 16.02.3 and 15.4.1), the committee agreed that institutions are not permitted to provide reduced housing rates for student-athletes who serve as student hosts unless (1) all student hosts on the campus are provided a reduction in housing fees; and (2) all student hosts in the program provide hosting duties for any prospective student on campus (i.e., student-athlete hosts may not host exclusively prospective student-athletes).
- 14. Policies and Procedures.** The committee reviewed its policies and procedures and did not recommend any changes.
  - 15. Requests/Self-Reports Online update.** The committee reviewed Division III interpretive requests that have been submitted to staff using RSRO, including response time, bylaw cites and urgency status. The committee requested that the previous year's comparison data be submitted when the committee reviews this data at its February 2019 meeting.
  - 16. Review of Division II coaches' education initiative.** The committee reviewed the Division II educational program, Division II University, that provides educational modules for coaches and discussed the cost of the initiative with NCAA Division III governance staff. The committee advised staff to continue to provide updates on the program in future meetings, as appropriate.
  - 17. Future meetings.** The committee reviewed its future meeting schedule. The committee confirmed February 11-12, 2019, and September 17-18, 2019, for its future in-person meetings and decided to keep the teleconference meeting time at noon Eastern Time.

**18. Other business.**

- a.** The committee reviewed whether it is permissible for an institution's certified strength and conditioning coach to conduct voluntary, out-of-season strength and conditioning workouts for hockey student-athletes (or those desiring to be hockey student-athletes) on ice using skates and other protective equipment. The committee instructed staff to provide a permissive response, provided it is for strength and conditioning and does not include skill instruction. Protective equipment may be worn as necessary but sport-specific equipment such as a stick and a puck would not be permitted.
- b.** The committee thanked Chuck Brown for his service as committee chair.
- c.** A committee member recommended a review of NCAA bylaws to remove gender-specific language in the legislation. Staff indicated that there has been a similar request from another Division III committee and will communicate the request to the other group as well as the NCAA Office of Inclusion.
- d.** The committee recommended that the SAAC review the concept of complete deregulation of social media in the recruiting legislation.

**19. Adjournment.** The committee adjourned at 11:40 a.m. Eastern time September 21, 2018.



*Committee Chair: Chuck Brown, Pennsylvania State University Erie, the Behrend 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 September 20-21, 2018, Meeting	
<b>Attendees:</b>	
Amy Backus, Case Western Reserve University.	
Chuck Brown, Pennsylvania State University Erie, the Behrend College.	
Jim Cranmer, St. Mary's College of Maryland.	
Jason Fein, Bates College.	
Alexandra Littlefox, Mills College.	
Gregg Kaye, Commonwealth Coast Conference.	
Angela Morenz, Blackburn College.	
Parker Hammel, Wartburg College.	
<b>Absentee:</b>	
None.	
<b>NCAA Staff Liaisons in Attendance:</b>	
Jeff Myers, Kaitlyn Purcell and Bill Regan.	
<b>Other NCAA Staff Member in Attendance:</b>	
Shannon Blevins, Dawn Buth, Amanda Conklin, Dan Dutcher, Eric Hartung and Louise McCleary.	

## **Proposed Voting Grouping and Order**

### **Board of Governors Grouping.**

1. ORGANIZATION -- BOARD OF GOVERNORS -- INDEPENDENT MEMBERS.

### **Presidents Grouping.**

2. PLAYING AND PRACTICE SEASONS -- FOOTBALL -- ESTABLISHING PRESEASON START DATE 23 DAYS BEFORE THE INSTITUTION'S FIRST ACTUAL CONTEST.
3. PLAYING AND PRACTICE SEASONS -- FIELD HOCKEY AND SOCCER PRESEASON -- ESTABLISHING A THREE-DAY ACCLIMATIZATION PERIOD.
4. MEMBERSHIP -- CONDITIONS AND OBLIGATIONS OF MEMBERSHIP -- STUDENT-ATHLETE GRADUATION RATE REPORTING.

### **General Grouping.**

5. AMATEURISM -- PRE-ENROLLMENT EDUCATIONAL EXPENSES.
6. ELIGIBILITY -- FINAL TERM BEFORE EXPERIENTIAL LEARNING REQUIREMENT.
7. RECRUITING -- ELECTRONIC TRANSMISSIONS AND PUBLICITY -- COMMENTS BEFORE ACCEPTANCE -- SOCIAL MEDIA.