



**REPORT OF THE
NCAA DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE
SEPTEMBER 24-25, 2019, MEETING**

ACTION ITEMS.

1. Legislative Items.

a. Incorporation of Official Interpretation – Length of Playing Season – Indoor/Outdoor Track and Field.

- (1) Recommendation. That the NCAA Division III Management Council approve the incorporation of the official interpretation [Reference 5/14/2019, Item No. a] into legislation.

Indoor/Outdoor Track and Field Playing Season Parameters (III). The NCAA Division III Interpretations and Legislation Committee determined that an institution that sponsors both indoor and outdoor track and field may not divide the playing season into segments (i.e., traditional and nontraditional). The weeks of the playing season shall be conducted consecutively unless the institution does not practice or compete during any full week that includes a published vacation, holiday or exam period, which shall not be counted as part of the playing season.

[References: NCAA Division III Bylaw 17.1.2 (general regulations for computing playing seasons); Bylaw 17.23.1 (length of playing season)]

- (2) Rationale. The incorporation of this official interpretation 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. Incorporating this interpretation into the Manual will help the membership understand the legislated requirements for the declaration of the playing season for institutions that sponsor both indoor and outdoor track and field.
- (3) Budget Impact. None.
- (4) Student-Athlete Impact. None.

b. Incorporation of Official Interpretation – Sports Camps and Clinic and Other Athletics Events – Limitations on Participation.

- (1) Recommendation. That the Management Council approve the incorporation into legislation the portion of the official interpretation [Reference

3/21/2019, Item No. b] that indicates that a camp, clinic and other athletics events may be limited by gender and grade level.

Permissible Limitations for Participation in Camps, Clinics and Other Athletics Events (III). The 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.

[Reference: Bylaw 13.11.3.2 (sports camps and clinics and other athletics events)]

- (2) Rationale. The incorporation of gender and grade level to the list of criteria that may be used to limit attendance at a camp, clinic and other athletics event while still considering the event open to the general public will ensure that all such criteria are in the legislation. The remaining portion of the interpretation concerning academic criteria shall remain an official interpretation. The committee did not recommend this part to be incorporated into legislation as the legislation only includes permissible admission limitations.
- (3) Budget Impact. None.
- (4) Student-Athlete Impact. None.

2. Nonlegislative Items.

a. Convention Proposal Grouping and Voting Method for 2020.

- (1) Recommendation. That Management Council recommend NCAA Division III Presidents Council designate votes for all proposals at the NCAA 2020 Convention to be taken using the roll-call method, regardless of grouping (presidential or general) and approve the voting order as set forth in the Attachment. Further the committee requests Management Council reconsider the proposal groupings previously recommended by the NCAA Division III Presidents Council and Management Council Joint Legislative Steering Subcommittee. Specifically, the committee requests Presidents Council review whether proposals regarding leadership programming and women's equestrian are necessary to be included in the presidential grouping.

- (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. Understanding that the groupings were previously determined by the Joint Legislative Steering Subcommittee, the committee believes greater clarity and discussion on why the emerging sports are not in the same grouping would be helpful. Similarly, the committee viewed the leadership programming exception as one more appropriate for the general grouping.
- (4) Budget Impact. None.
- (5) Student-Athlete Impact. None.

b. Approve Official Interpretation – Personalized Recruiting Materials.

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

The committee confirmed that it is permissible for institutions to provide prospective student-athletes personalized recruiting materials, provided the materials are on official athletics publications (e.g., institutional letterhead, institutional email and institutional postcard) published or produced by the institution.

[References: NCAA Division III Bylaw 13.4.1 (recruiting materials--general regulations)]

- (2) Rationale. During its September 2018 meeting, the committee reviewed whether Division III institutions could create, modify and personalize recruiting material pursuant to Bylaw 13.4.1. The committee confirmed that institutions may personalize recruiting materials as part of their communication with prospective student-athletes, provided those materials are on official athletics publications published or produced by the

institution. Due to additional questions received from the membership, it is now appropriate to clarify via an official interpretation.

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

INFORMATIONAL ITEMS.

1. **Interpretations and Legislation Committee Roster.** The committee reviewed the roster and agreed to submit any corrections to staff.
2. **Review July Report.** The committee reviewed and approved the report from its July 18, 2019, teleconference.
3. **Review NCAA Division III Strategic Positioning Platform.** The committee reviewed the NCAA Division III Strategic Positioning Platform.
4. **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 2019-20.
5. **Review Divisions I, II and III Staff Interpretations.** The committee reviewed staff interpretations issued in Divisions I, II and III between February and August 2019 and took no further action.
6. **Review Division III Official Interpretations.** The committee reviewed official interpretations issued in Division III between February and August 2019. The committee took action as reflected in Legislative Action Item Nos. 1a and 1b.
7. **Review Divisions I and II Official Interpretations.** The committee reviewed official interpretations issued in Divisions I and II between February and August 2019 and took the following action:
 - Discussed a Division I official interpretation [Reference: 7/22/19, Item No. c] that confirmed a student-athlete does not qualify for a hardship waiver if the individual engages in any outside competition during the second half of the institution's traditional season. The committee confirmed that this interpretation would be applicable for a Division III student-athlete and requested the staff draft a staff interpretation

8. **Review Divisions I and II Legislative Actions.** The committee reviewed legislative actions in Divisions I and II between February and August 2019 and discussed the following actions:
 - a. **Division I Proposal No. 2018-30:** The proposal requires an active member institution to complete an equity, diversity and inclusion review at least once every five years. The committee did not believe a legislative change was needed for Division III at this time but directed staff to work with staff liaisons for the NCAA Division III Membership Committee for consideration of this concept as part of the institutional self-study.
 - b. **Division I Proposal No. 2018-35:** This proposal allows a prospective student-athlete to receive educational expenses from a professional sports team/organization prior to collegiate enrollment. The committee expressed interest in continuing to discuss the legislative concept for Division III and requested staff prepare the concept for future committee discussion.
 - c. **Division I Proposal No. 2018-108:** This proposal specified that in the sport of wrestling on not more than two occasions, an institution may count a multiple-day competition or two-consecutive dual meets within three consecutive days as one date of competition. The committee is requesting the NCAA Division III Management Council Playing and Practice Season Subcommittee review the proposal to determine if it's appropriate for Division III for sports with dates of competition.
 - d. **Division II NC Proposal Nos. 2020-6, 2020-7 and 2020-8:** The proposals reorganized and simplified elements of the official and unofficial visit legislation. The committee requested staff review the Division III legislation concerning official and unofficial recruiting visits to determine if similar reorganization would create greater clarity and understanding of the legislation.
 - e. **Division II NC Proposal No. 2020-23:** This proposal eliminated the opportunity to count multiteam events as more than one contest toward meeting sport sponsorship requirements for individual sports. The committee expressed interest in continuing to discuss the legislative concept for Division III and requested staff prepare the concept for future committee discussion.
9. **Review Division III Editorial Revisions.** The committee reviewed editorial revisions issued in Division III between February and August 2019 and took no action.
10. **Review Division III Educational Columns.** The committee reviewed educational columns issued in Division III between February and August 2019 and took no action.

11. **Review of 2020 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 also took the following positions on membership-sponsored proposals under consideration for the Convention:

- a. **Division III Proposal No. 1-3 – Awards and Benefits – Expenses by the Institution for Practice and Competition – Permissible Expenses – Exception for Golf and Swimming and Diving.** The committee recommended a position of support for this proposal. The committee believes this proposal will create some equity for institutions in geographically smaller states to travel to find suitable places to practice. Further, this proposal will help ease the administrative burden of scheduling and planning these trips. Finally, this proposal will eliminate the cancellation of these trips and the burden to find another contest when the lone scheduled contest is cancelled due to circumstances outside the institution's control.
- b. **Division III Proposal No. 1-2 – Awards and Benefits – Housing and Meals – Snacks and Nutritional Supplements Incidental to Participation.** The committee recommended a position of support for this proposal. The committee believes this proposal will create some equity for institutions in geographically smaller states to travel to find suitable places to practice. Further, this proposal will help ease the administrative burden of scheduling and planning these trips. Finally, this proposal will eliminate the cancellation of these trips and the burden to find another contest when the lone scheduled contest is cancelled due to circumstances outside the institution's control.
- c. **Division III Proposal No. 1-4 – Athletically Related Activities – Leadership Programming Out-of-Season Involving Athletics Related – Athletically Related Information and Content (General in Nature).** The committee recommended a position of opposition to this proposal. The committee recognized the intent behind encouraging the continued development of student-athlete leadership in small, experienced-based settings; however, the committee agreed that the proposal creates an environment wherein student-athletes may feel compelled to participate thereby creating additional time demand for student-athletes. Finally, current legislation allows for opportunities to be involved in leadership activities outside the declared playing season.

12. **Division III Interpretative Issues.**

- a. **Transfers from Multiple Two-Year Colleges.** The committee reviewed how to determine whether a student-athlete could be eligible at a Division III institution if they had previously participated at a two-year institution and was ineligible, and then transferred to another two-year institution before attending the Division III

institution. The committee directed staff to provide legislative and interpretative options for future review by the committee.

- b. Outside Competition During Permissible Break Periods.** The committee reviewed the question of whether a student-athlete may compete in outside competition during vacation, holiday or final examination periods that are not part of the declared playing season. The committee supported staff's position that the outside competition prohibition only applies during the defined weeks of the season and during the exempted weeks of the season when preparing for postseason championships.
- c. Full-time Enrollment and Alternative Courses.** The committee reviewed whether institutions should be able to use noncredit/remedial course work to determine if a student-athlete is considered full time for practice and enrolled in 12-semester or quarter hours for competition. The committee recognized that many students enroll in noncredit and/or remedial course work throughout their academic careers. Additionally, the committee acknowledged that many institutions consider these courses when determining whether a student is enrolled full time. Further, making student-athletes enroll in additional course work that are for credit while taking noncredit/remedial courses may create an unnecessary burden for student-athletes. The committee requested the staff solicit membership feedback (e.g. faculty athletics representatives, institutional registrars) and develop concepts for the committee's consideration.
- d. NCAA-Certified Agents.** The committee reviewed the current Division I legislation that allows in the sport of men's basketball, a prospective student-athlete identified as an elite senior by USA Basketball, and an enrolled student-athlete or two-year college prospective student-athlete to enter into an agreement and receive benefits from an NCAA-certified agent. The committee acknowledged that certain circumstances warrant flexibility and those situations should be reviewed on a case-by-case basis through the waiver process. The committee requested the staff to continue to monitor this issue to determine if legislative action is necessary because of an increase in the number of Division III student-athletes negatively impacted by the current legislation.
- e. Change of Eligibility Status Between Terms.** The committee reviewed a request from a member conference regarding the timing of the certification of eligibility between terms. Specifically, the conference wanted to confirm when an institution must certify the eligibility of a student-athlete it knows will not be eligible after the fall term. The committee confirmed that the current legislation appropriately provides that the certification must occur according to institutional policy and by the appropriate institutional authority within the timeline prescribed in Bylaw

14.1.10 (day after the last scheduled examination listed in the institution's official calendar to the first day of classes of the following semester or quarter). Finally, the committee noted that a conference may establish procedures for all institutions within the conference that are more stringent than NCAA legislation.

- f. Online Camps, Tryouts and Private Lessons.** The committee continued its discussion regarding the difference between a permissible private lesson and an impermissible tryout. The committee reviewed a proposed educational column addressing these differences and agreed that it was consistent with the committee's prior discussion and requested the staff to issue it to the membership.
 - g. Donations to Charitable Organizations that Benefit Prospective Student-Athletes.** The committee reviewed whether a member institution may donate funds to a charitable organization that benefits, either directly or indirectly, prospective student-athletes. The committee discussed the limitations the current legislation creates for institutions, athletics departments and teams to donate to various organizations benefitting prospective student-athletes and agreed that greater flexibility should be provided. The committee did not agree upon specific criteria by which an institution should be permitted to so donate. The committee recognized that there were specific legislative exceptions to allow the donation of equipment and requested staff to prepare concepts, allowing the donation of funds in the same manner institutions are permitted to donate equipment, for further discussion by this committee.
 - h. Exception to Full-time Enrollment While Enrolled in a Minor or Certificate Program.** The committee reviewed a Division I legislative proposal (Proposal No. 2018-66) that would create an exception for a Division I student-athlete to practice while enrolled in less than a full-time program of studies, provided the student-athlete is enrolled in the final semester or quarter of a minor or certificate program. Additionally, the committee reviewed feedback from the Division III Student-Athlete Advisory Committee regarding this legislative concept. SAAC was supportive of the concept because it benefited student-athletes by reducing the costs for a student-athlete in their last term. The committee took no action and asked the staff to seek feedback from the faculty athletics representatives regarding the legislative concept for future review by the committee.
- 13. Review of Interpretations and Legislation Committee Policies and Procedures.** The committee reviewed and approved its policies and procedures, as amended.
 - 14. RSRO Update.** The committee received an update from staff regarding the Requests/Self-Reports Online case management system.

The committee reviewed Division III interpretive requests, including response time, bylaw cites and urgency status that have been submitted to staff using RSRO.

- 15. Future Meetings.** The committee reviewed its future meeting schedule. The committee confirmed February 20-21, 2020, for its future in-person meeting and October 17 and November 6 teleconference meeting.
- 16. Adjournment.** The committee adjourned at 11:10 a.m. Eastern time September 25, 2019.

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 September 24-25, 2019, Meeting	
Attendees:	
Amy J. Backus, Case Western Reserve University (Tuesday only via telephone).	
Jim Cranmer, St. Mary's College of Maryland.	
Annabelle Feist, Williams College (student-athlete).	
Gregg Kaye, Commonwealth Coast Conference.	
Allie Littlefox, Mills College.	
Angie Morenz, Blackburn College.	
Michelle Morgan, John Carroll University.	
Mila C. Su, Plattsburgh State University of New York.	
Absentees:	
None.	
NCAA Staff Liaisons in Attendance:	
Jeff Myers and Bill Regan.	
Other NCAA Staff Members in Attendance:	
Anyssa Barbosa, Brian Burnsed and Louise McCleary.	



**Proposed Voting Grouping and Order of
Convention Legislation for 2020 NCAA Convention**

Presidents Grouping.

1. NCAA MEMBERSHIP -- ACTIVE MEMBERSHIP AND MEMBER CONFERENCE -- CONDITIONS AND OBLIGATIONS OF MEMBERSHIP -- ATHLETICS DIVERSITY AND INCLUSION DESIGNEE.
2. DIVISION MEMBERSHIP -- APPLICATION PROCESS -- PROVISIONAL INSTITUTION -- REDUCE WAITING PERIOD FROM FOUR YEARS TO THREE YEARS.
3. DIVISION MEMBERSHIP -- APPLICATION PROCESS -- RECLASSIFYING INSTITUTION -- REDUCE WAITING PERIOD FROM FOUR YEARS TO TWO YEARS.
4. AWARDS AND BENEFITS -- HOUSING AND MEALS -- EXCEPTIONS -- SNACKS AND NUTRITIONAL SUPPLEMENTS INCIDENTAL TO PARTICIPATION.
5. AWARDS AND BENEFITS--EXPENSES PROVIDED BY THE INSTITUTION FOR PRACTICE AND COMPETITION- PERMISSIBLE PRACTICE EXPENSES-- EXCEPTIONS FOR GOLF AND SWIMMING AND DIVING.
- *6. ATHLETICALLY RELATED ACTIVITIES -- LEADERSHIP PROGRAMMING OUT-OF-SEASON INVOLVING ATHLETICS RELATED INFORMATION AND CONTENT (GENERAL IN NATURE).
- *7. DIVISION MEMBERSHIP -- PLAYING AND PRACTICE SEASONS -- EMERGING SPORTS FOR WOMEN -- WOMEN'S EQUESTRIAN.

*The NCAA Division III Interpretations and Legislation Committee requests additional consideration be given to classifying these proposals in the general grouping.

General Grouping.

8. DIVISION MEMBERSHIP, PLAYING AND PRACTICE SEASONS -- EMERGING SPORTS FOR WOMEN -- ACROBATICS AND TUMBLING.
9. DIVISION MEMBERSHIP, PLAYING AND PRACTICE SEASONS -- EMERGING SPORTS FOR WOMEN -- WOMEN'S WRESTLING.

10. NCAA MEMBERSHIP -- MEMBER CONFERENCE -- ELIGIBILITY --
COMPOSITION OF CONFERENCE--PROVISIONAL MEMBERS AS CORE
MEMBERS.
11. DIVISION MEMBERSHIP -- SPORT CLASSIFIED IN DIVISION I -- APPLYING
DIVISION I LEGISLATION.