



**REPORT OF THE
NCAA DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE
SEPTEMBER 22, 2020, VIDEOCONFERENCE**

ACTION ITEMS.

1. Legislative Items.

None.

2. Nonlegislative Items.

a. Voting Method for 2021 Convention.

- (1) Recommendation. That Management Council recommends NCAA Division III Presidents Council designate the vote for the proposal and any subsequent amendments or resolutions at the NCAA 2021 Convention be taken using the roll-call method.
- (2) Rationale. While the manner of voting for the virtual convention is still being determined, the committee agreed that using the roll-call method for voting is necessary as it provides transparency for the membership.
- (3) Budget Impact. None.
- (4) Student-Athlete Impact. None.

b. Approve Official Interpretation – Alternative Coursework to Satisfy Full-time Enrollment Requirements.

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

The NCAA Division III Interpretations and Legislation Committee confirmed that nontraditional coursework (e.g., distance-learning, correspondence, extension, internet/virtual courses) may be used to satisfy the full-time enrollment requirements for practice or competition in a manner that is consistent with established institutional policy used to determine the full-time enrollment status for all students.

[References: NCAA Division III Bylaw 14.4.1.4 (correspondence, extension, credit-by-examination and online courses); Bylaw 14.1.8.1 (requirement for practice or competition); Bylaw 14.1.8.1.6.2 (Enrolled in Graduate Program – Practice or Competition)]

- (2) Rationale. Currently Division III legislation (Bylaw 14.4.1.4) permits the use of alternative courses (i.e., correspondence, extension, credit-by-exam and online) to be used for purposes of academic standing or satisfactory progress as determined by the regulations of the certifying institutions. The membership has raised questions whether similar courses may be used when determining whether a

student-athlete is considered enrolled full-time for practice and competition. The committee confirmed that the use of non-traditional courses is permissible for determining full-time enrollment provided it is consistent with an institution's policy. Due to the increasing use of non-traditional and on-line courses by member institutions, the committee believes it is now appropriate to clarify this position 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 Reports.** The committee reviewed and approved the reports from its July 15 and 24, 2020, videoconferences.
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 with an update of the primary topics currently within the Division III governance structure.
5. **Review NCAA Action Related to COVID-19.** The committee reviewed and discussed recent actions, waivers, key topics and issues the NCAA and Division III committees have taken and are considering in response to COVID-19.
6. **Review Divisions I and III Staff Interpretations.** The committee reviewed staff interpretations issued in Divisions I and III between February and August 2020 and took no further action. It was also noted that Division II did not issue any staff interpretations during this period.
7. **Review Division III Official Interpretations.** The committee reviewed official interpretations issued in Division III between February and August 2020. The committee took no further action.
8. **Review Division I Official Interpretations.** The committee reviewed official interpretations issued in Division I between February and August 2020 and identified for further discussion Division I official interpretation [Reference: 6/5/2020] which permits an athletics department staff member to assist in fundraising for a high school program if a family member is currently enrolled at the high school. It was also noted that Division II did not issue any official interpretations during this period.
9. **Review Divisions I and II Legislative Actions.** The committee reviewed legislative actions in Divisions I and II between February and August 2020. The committee discussed Division II Proposal No. NC-2021-8 which permits a student-athlete who has been designated by the U.S. Olympic and Paralympic Committee and sport affiliated national governing body as an elite athlete to participate in an individual workout session conducted by a coaching staff member without that

activity being considered athletically related activity. The committee asked the staff to continue to monitor waiver and interpretative requests and report back to the committee to determine if similar legislation is applicable for Division III.

10. **Review Division III Editorial Revisions.** The committee reviewed editorial revisions issued in Division III between February and August 2020 and took no action.
11. **Review Division III Educational Columns.** The committee reviewed educational columns issued in Division III between February and August 2020 and took no action.
12. **Review of 2021 NCAA Convention Division III Legislation.** The committee reviewed the Division III proposal under consideration for the Convention and offered suggestions for the question and answer document.
13. **Division III Interpretative Issues.**

- a. **Review of Division III Official and Unofficial Visit Recruiting Legislation.** The Interpretations and Legislation Committee continued its comprehensive review of Division III recruiting legislation. This phase of its review focused on the legislation for official and unofficial recruiting visits. After receiving an overview of the current legislation regarding campus recruiting visits and feedback received from the membership regarding official and unofficial visit legislation, the committee discussed the role of these visits in the current campus recruitment of prospective student-athletes. The committee identified the following areas for future discussion: location and number of permissible meals during a recruiting visit; the appropriate length of an official visit; what entertainment should be permissible during a recruiting visit; the appropriate role for student-athletes in recruiting visits; and, permissible transportation expenses an institution may provide for a recruiting visit.

The committee asked the staff to solicit feedback from the membership concerning these identified areas. Additionally, the committee requested the staff develop initial concepts, based on the committee's discussions and the feedback received from the membership, for the committee to consider at a future meeting

- b. **Employment of Student-Athletes.** The committee reviewed and confirmed the following regarding the employment of student-athletes by their institution:
 - (1) It is impermissible for a student-athlete to receive compensation that includes financial aid (e.g., tuition stipend) to work as a graduate assistant within the athletics department (as a coach or noncoaching position) and participate as a student-athlete in any sport.
 - (2) It is permissible for a student-athlete to receive a graduate assistantship from a source outside of athletics provided the application and awarding process follow the same procedures as any other graduate assistant position on campus and athletics leadership, ability, participation or performance is not considered in the formulation of the financial aid package or the selection process.

- (3) A student-athlete may be employed as a coach and receive compensation for coaching (other than institutional financial aid) in a sport and remain eligible to compete in another sport; however, the student-athlete is ineligible at that institution for the sport they are coaching.
- (4) A student-athlete may be employed in a noncoaching role capacity within athletics and remain eligible to compete in intercollegiate athletics provided the institution follows its normal hiring process and the student-athlete is compensated for work performed at the going rate (Bylaw 12.4.1).

The committee requested the staff to review existing published interpretations and educational columns to ensure they are consistent with these positions.

- c. **Application of Bylaw 14.1.9 (Graduate Student/Postbaccalaureate Participation) for a Division III Student Participating in a Division III Sport.** The committee reviewed whether a student-athlete who graduates from a Division III institution but participated in a Division I sport at the institution may participate in the same sport at another Division III institution as a graduate student per Bylaw 14.1.9. The committee confirmed that the student-athlete would not be eligible to participate as a graduate/post baccalaureate student-athlete. Bylaw 14.1.9 addresses student-athletes that have participated as a Division III student-athlete and does not permit a Division I student-athlete to redshirt and compete as a graduate student-athlete at a Division III institution. Further, the committee noted that allowing this would permit Division I student-athletes to be treated differently based on where the student-athlete received their undergraduate degree. Additionally, the legislation that now permits a Division III institution that sponsors Division I sports to apply Division I legislation (Bylaw 20.7.1.1) further evidences the desire to differentiate the Division I student-athlete from the Division III student-athlete on those campuses
- 14. **Review of Interpretations and Legislation Committee Policies and Procedures.** The committee reviewed and approved its policies and procedures, as amended.
 - 15. **Requests/Self-Reports Online 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.
 - 16. **Future Meetings.** The committee reviewed its future meeting schedule noting that its February 2021 meeting that will be conducted via videoconference. The committee discussed possible changes to the format of the meeting in light of it being conducted using a virtual platform.
 - 17. **Adjournment.** The committee adjourned at 2:47 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 September 22, 2020, Videoconference	
Attendees:	
Amy J. Backus, Case Western Reserve University.	
Anthony Francios, John Jay	
Matt Hill, University of Northwestern – St. Paul.	
Allie Littlefox, Mills College.	
Angie Morenz, Blackburn College.	
Joseph Pavlow, Rosemont College.	
Patrick B. Summers, New England Women's & Men's Athletic Conference.	
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:	
Lauren Frost, Louise McCleary, and Jeremy Villanueva.	