



**REPORT OF THE
NCAA DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE
SEPTEMBER 18-19, 2023, VIDEOCONFERENCE**

ACTION ITEMS.

1. Legislative items.

a. Incorporation of Official Interpretation - Institution That Does Not Require a Paid Acceptance or Financial Deposit for Admission or Financial Aid (III).

- (1) Recommendation. That the NCAA Division III Management Council approve the incorporation of the official interpretation [Reference March 3, 2023, Item No. 1] into legislation.

The NCAA Division III Interpretations and Legislation Committee determined it is permissible for an institution that does not require a paid acceptance or financial deposit in response to a written offer of aid or admission to use any form of communication with a prospective student-athlete after January 1 of the prospective student-athlete's senior year of high school and release publicity about a prospective student-athlete who has committed to the institution, provided the institution has received a commitment from the prospective student-athlete that is required of all incoming students.

[References: NCAA Division III Bylaws 13.02.10.5 (exception – after receipt of financial deposit) and 13.10.8 (announcement of acceptance)]

- (2) Effective date. Immediate.

- (3) Rationale. 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.

- (4) Estimated budget impact. None.

- (5) Student-athlete impact. None.

b. Noncontroversial Legislation – Removing Permission to Contact Requirements for Student-Athletes at NAIA Institutions

- (1) Recommendation. That the NCAA Division III Management Council approve in concept noncontroversial legislation to eliminate the requirement that an athletics staff

members must obtain permission to contact from an NAIA institution prior to having recruiting contact with an NAIA student-athlete.

(2) Effective date. Immediate.

(3) Rationale. Current Division III legislation requires that a Division III athletics staff member obtain written permission from an NAIA institution prior to having recruiting contact with an NAIA student-athlete. The NAIA is the only non-NCAA organization that Division III athletics staff must first obtain permission before contacting their student-athletes. There is not a similar required permission before contacting a student-athlete at a two-year institution or four-year institution that is not a member of the NCAA or NAIA. Additionally, NAIA institutions are not required to obtain permission before contacting an NCAA student-athlete. The proposed change would establish consistency in recruitment of non-NCAA student-athletes and reduce confusion regarding which recruiting rules apply. This change would remove that additional requirement as well as ease the administrative burden on compliance administrators. It also will lessen the amount of time for the transfer process for students wanting to transfer to a Division III institution and minimize any delays to the admissions process at their new institution.

(4) Estimated budget impact. None.

(5) Student-athlete impact. None.

2. Nonlegislative items.

- **Convention Proposal Grouping for 2024.**

(1) Recommendation. That Management Council recommends Presidents Council approve the voting order as outlined in Attachment for the 2024 Convention.

(2) Effective Date. Immediate.

(3) Rationale. While Presidents Council is responsible for establishing the order of proposal voting, the committee conducts an initial review and makes a recommendation. The committee submits a proposed voting order as outlined in Attachment.

(4) Budget Impact. None.

(5) Student-athlete Impact. 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 June report.** The committee reviewed the report from its June 15, 2023, videoconference and did not recommend any changes.
4. **Review of Interpretations and Legislation Committee Policies and Procedures.** The committee reviewed its written policies and procedures and approved the updates and revisions.
5. **Review Divisions I, II and III Staff Interpretations.** The committee reviewed staff interpretations issued in Division III between January 1 and August 31 and took no action. It was noted there were no staff interpretations issued by Divisions I and II during this period.
6. **Review Divisions I and II Official Interpretations.** The committee reviewed official interpretations issued in Divisions I and II between January 1 and August 31 and took no action.
7. **Review Division III Official Interpretations.** The committee reviewed official interpretations issued in Division III between January 1 and August 31. The committee recommended the incorporation of the March 3, 2023, interpretation (Institution That Does Not Require a Paid Acceptance or Financial Deposit for Admission or Financial Aid (III)) [See Action Item 1(a)].
8. **Review Division I and II Legislative Actions.** The committee reviewed legislative actions in Divisions I and II between January 1 and August 31 and took no action.
9. **Review Division III Editorial Revisions.** The committee reviewed editorial revisions issued in Division III between January 1 and August 31 and took no action.
10. **Review Division III Educational Columns.** The committee reviewed educational columns issued in Division III between January 1 and August 31. The committee requested staff update the April 27, 2023, educational column (Activities During Unofficial and Official Visits -- Photographs (III)).

- 11. 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.
- 12. Update on governance issues.** The Division III governance staff updated the committee on the primary topics within the Division III governance structure.
- 13. Update on compliance forms.** The committee provided staff with feedback on how compliance forms are used.
- 14. NCAA Transfer Portal update.** The committee received a general overview of the Division III membership's use of the transfer portal.
- 15. Eligibility Center update.** The committee received a general overview from the NCAA Eligibility Center on the first amateurism certification cycle for international students.
- 16. Discuss Name, Image and Likeness.** The committee received an update on the recent work of the Division I Name, Image and Likeness Working Group. The committee will continue to receive updates on the discussions in Division I at future meetings and discuss whether any changes in Division III are necessary.
- 17. Bylaw 16 review.** The committee started a holistic review of Bylaw 16, focusing its initial discussion on awards (Bylaw 16.1), practice and competition expenses (Bylaw 16.8) and benefits, gifts and services (16.11). The committee will continue to review Bylaw 16 at future meetings and look to deregulate, modernize, or clarify the legislation where appropriate.
- 18. Review of 2024 NCAA Convention Division III legislation.** The committee reviewed the Division III proposals under consideration for the Convention and offered suggestions for the questions and answer document. The committee recommended that Management Council take the following position on a membership-sponsored proposal under consideration for the Convention:
 - **Division III Proposal – Amendment-to-Amendment Deadline.** The committee recommended the council take a position of support for this proposal. The legislative process timeline is currently condensed, so this proposal provides appropriate flexibility and allows for greater dialogue. In addition, the committee believes this proposal is consistent with the alternative model currently being discussed by the committee.
- 19. Division III interpretative issues.**

- a. **Social media and voluntary out-of-season workouts.** The committee reviewed a question about whether interacting on social media with a student-athlete's post negates the voluntary nature of an out-of-season activity/workout. The committee will revisit this topic at its October meeting to discuss social media deregulation in Bylaw 17.
- b. **Bylaw 17 – Playing and practice seasons issues for review.** The committee reviewed several Bylaw 17 playing seasons issues raised by the membership. Specifically, the committee reviewed concerns regarding: (1) start and end dates for Nordic skiing; (2) start and end dates for acrobatics and tumbling; (3) cross country non-traditional days; (4) treating swimming and diving as separate 114-day seasons; (5) baseball start dates; and (6) outdoor track and field days vs weeks. The committee agreed that it would not recommend legislative change at this time. Institutions seeking immediate change would need to pursue potential relief via the waiver process. The committee directed staff to continue to monitor these issues and seek feedback after the seasons are completed.

The committee directed staff to publish a new educational column clarifying the application of the new playing season model and a staff interpretation clarifying how conference rain dates should be treated for sports governed by a limit on days.

The committee reviewed a staff interpretation clarifying that NCAA wrestling regionals are part of the NCAA championship and therefore the days for the regional meets are exempt from the team's 114-day limit and approved the following staff determination:

Use of Days at NCAA Regionals for Wrestling. (III).

The academic and membership affairs staff determined that in the sport of wrestling all practices before the NCAA regional meet count towards the 114-day limit. Participation at the meet does not count toward the days limit as the regional meets are part of the NCAA championship and both the competition and days are exempted.

[References: NCAA Division III Bylaws 17.1.2.2 (sports with a winter NCAA championship), 17.1.3 (postseason activities), 17.1.3.1 (exempted practice before NCAA championships selection)]

- c. **Seasons of participation discussion.** The committee received an overview of the different factors that have impacted seasons of participation over recent years, including student-athlete reinstatement opportunities, interpretative/legislative guidance, and legislative relief waivers. The committee will discuss this topic at a future meeting, focusing on what is a consistent approach that aligns with the current environment in Division III.

- d. **NAIA permission to contact legislation.** The committee reviewed a request to review the Bylaw 13.1.1.2 requirement to obtain permission to contract from NAIA institutions and recommended noncontroversial legislation (see Action Item 1(b)).
- e. **Female practice players.** The committee reviewed and approved the following staff interpretation:

Women's Team Members as Practice Players.

The academic and membership affairs staff determined that when the women's team and men's team in the same sport have different traditional segments (i.e., volleyball and water polo) members of the women's team may practice with the men's team provided it occurs during the nontraditional segment for the women's team and counts as one of the 24 nontraditional days for the women's team.

[References: NCAA Division III Bylaws 17.02.1.1 (athletically related activities), 17.1.5 (out-of-season athletically related activities), 17.26.6 (out-of-season athletically related activities), 17.27.6 (out-of-season athletically related activities)]

- 20. **Division III legislative process.** The committee continued its discussion of the legislative process by reviewing three models that focused on adding a comment period, amending proposal submission dates and providing amendment and submission flexibility. The committee agreed that elements of all three models should go forward for review by the parliamentarian and then to constituent groups for comment. The committee will consider a legislative proposal for the 2025 convention.
- 21. **Division III University module topics.** The committee discussed topics that could be created for the Division III page on the NCAA's learning management system (LMS). The committee recommended that staff continue to focus on creating resources first for coaches.
- 22. **Future meetings.** The committee reviewed its future meeting schedule.
- 23. **Adjournment.** The committee concluded its business and adjourned at 11:56 a.m. Eastern time, September 19, 2023.

Committee Chair: Keri Alexander Luchowski, North Coast Athletic Conference.
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 September 18-19, 2023, Videoconference
Attendees:
Kurt J. Beron, University of Texas at Dallas.
Rashana Bhat, Claremont McKenna-Harvey Mudd-Scripps Colleges.
Matt Hill, University of Northwestern-St. Paul.
Jack Langan, Cornell College. (SAAC representative)
Keri Alexander Luchowski, North Coast Athletic Conference.
Bethany Marren, Rochester Institute of Technology.
Michael A Mattia, Gettysburg College.
Danielle O'Leary, William Peace University.
Andrea R. Ricketts-Preston, Goucher College.
Patrick B. Summers, New England Women's & Men's Athletic Conference.
Absentees:
None.
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:
Kameron Jones, Conor Larkin, Jobrina Marques, Louise McCleary, Joan Nissen, Susan Peal and Bill Regan.



**Proposed Voting Grouping and Order of
Convention Legislation for the 2024 NCAA Convention**

Presidents' Grouping.

1. DIVISION MEMBERSHIP -- DIVISION III MEMBERSHIP REQUIREMENTS -- AMEND THE DIVISION III PHILOSOPHY STATEMENT.

General Grouping.

2. AMENDMENT-TO-AMENDMENT DEADLINE
3. DIVISION MEMBERSHIP -- DIVISION III MEMBERSHIP REQUIREMENTS -- SPORTS SPONSORSHIP -- REDUCE MINIMUM PARTICIPANTS IN TENNIS FROM SIX TO FOUR.
4. DIVISION MEMBERSHIP -- ESTABLISHING STUNT AS AN EMERGING SPORT FOR WOMEN.