



Division III

DISCOVER | DEVELOP | DEDICATE

COMPLIANCE CONCEPTS AND DIVISION III RULES FOR ATHLETICS DIRECT REPORTS

Agenda

- Compliance and communication.
- Division III rules.
- Financial Aid Reporting System.

Institutional Control

- **Bylaw 6.01.1 Institutional Control.** The control and responsibility for the conduct of intercollegiate athletics shall be exercised by the institution itself and by the conference(s), if any, of which it is a member. Administrative control or faculty control, or a combination of the two, shall constitute institutional control.
- **Bylaw 6.1.1 President or Chancellor.** A member institution's president or chancellor has ultimate responsibility and final authority for the conduct of the intercollegiate athletics program and the actions of any board in control of that program.
- **Bylaw 6.2.1 Normal Budgeting Procedures.** The institution's annual budget for its intercollegiate athletics programs shall be controlled by the institution and subject to its normal budgeting procedures.

Department of Athletics

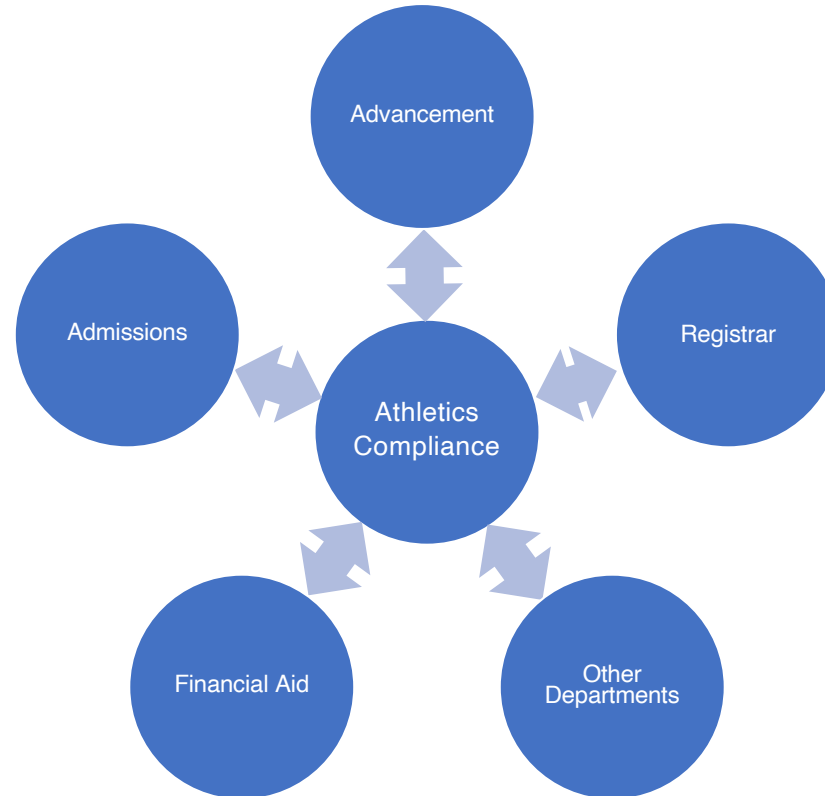
Does everyone across campus know your:

- Director of Athletics?
- Faculty Athletics Representative?
- Senior Woman Administrator?
- Compliance Administrator?

Who Is Responsible for NCAA Compliance?

- Advancement.
- Admissions.
- Financial Aid.
- Registrar.
- Student Activities.
- Communications.
- Academic Departments.
- Boosters.
- Chancellor/President.
- Board of Trustees.
- Other.

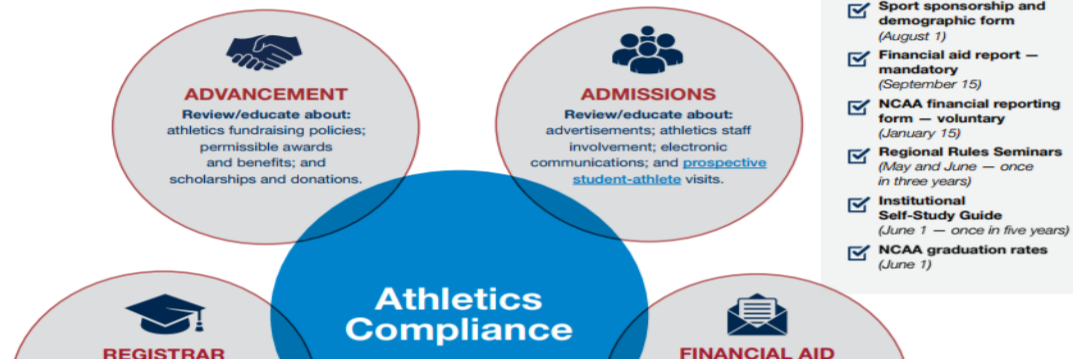
Communication Across All Campus Constituencies



Staying Compliant with Division III Rules

This resource is intended to facilitate communication between the intercollegiate athletics department and all campus constituencies (e.g., admissions, advancement, financial aid, registrar, etc.) with a role in the institution's athletics compliance process. Institutions that engage in frequent cross-campus conversations will improve compliance with NCAA Division III legislation.

The graphic below shows the departments that the athletics compliance administrator should meet with throughout the year and suggested educational topics to discuss. Links to most frequently violated rules, the infractions process and resources are also provided. The goal is to educate the campus community and promote NCAA compliance.



ncaa.org/sites/default/files/DIIIComp_Staying_Compliant_with_DivisionIII_Rules_20170919.pdf?division=d3



MOST FREQUENTLY VIOLATED RULES

DIVISION III INFRACTIONS PROCESS

Across Divisions I, II and III, there are more than 5,800 rules. Obviously, the enforcement staff encounters violations of certain rules more than others. To aid compliance efforts at Division III member colleges and universities, frequently violated rules are noted below. This information highlights areas in which schools have been most likely to encounter violations in recent years. The information may also be used as a resource for schools looking to audit areas of potential noncompliance.

TOP 5 SECONDARY VIOLATIONS IN DIVISION III

17.1.5 – Out-of-season athletically related activities

14.1.8.1 – Full-time enrollment

16.8.1.2 – Expenses provided during competition while representing the institution

13.02.11 – Electronic transmissions to prospective student-athletes

14.1.3.1 – Failure to complete the Student-Athlete Statement

ncaa.org/sites/default/files/enforcementhandouts_DIII_RulesViolated.pdf



Convention

#whyd3

Division III

Question

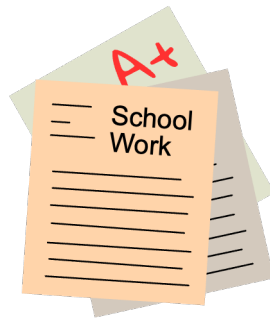
Is a violation of NCAA legislation a good or a bad thing?

OVERVIEW OF SELECT NCAA LEGISLATION

Preferential Treatment



Offers and Inducements



Extra Benefits



Name, Image and Likeness (NIL)

NIL is a concept based on laws defining “rights of publicity” or when permission is required to use someone’s name, image or likeness.



What “Name, Image and Likeness” Means

NAME



IMAGE



LIKENESS



These three elements make up a legal concept known as
“Right of Publicity.”

Governance Sponsored Proposal: NIL

Title and Intent	Rationale
<p>STUDENT ATHLETE USE OF NAME IMAGE AND LIKENESS FOR PROMOTIONAL PURPOSES</p> <p><u>Intent:</u> To permit Division III student-athletes to use their name, image and likeness, to promote their own work product or services and to promote third party products and services.</p> <p><u>Source:</u> NCAA Division III Presidents Council [Management Council (Interpretations and Legislation Committee)].</p> <p><u>Effective date:</u> August 1, 2021.</p>	<p>This proposal would permit Division III student-athletes to benefit from the use of their name, image and likeness in a manner that is consistent with the NCAA Board of Governors' guiding principles and with the Board's direction to consider appropriate rules changes based on recommendations from the Federal and State Legislation Working Group. These recommendations fall into two categories: (1) activities related to a student-athletes work product or service; and (2) promotion/endorsement of third-party products and services. Student-athletes should have full use of their name, image and likeness for commercial promotional purposes. Importantly, these opportunities can occur in a manner that is consistent with the NCAA's core values, mission and principles, while prioritizing student-athlete well-being. Further, the recommended administrative framework for these legislative changes ensures that the legislation will be transparent and enforceable, in line with the Board's principles.</p>

2021 Convention Proposal

The Name, Image & Likeness proposal will make changes to these areas of the legislation:

- Bylaw 12.3 – Use of Agents → Bylaw 12.3.4 – Professional Service Providers
- Bylaw 12.5.2 – Media Activities → Bylaw 12.5.2 – Student-Athlete Promotional Activities
 - Bylaw 12.5.2.1 – Student-Athlete Work Product and Services
 - Bylaw 12.5.2.2 – Advertisements and Promotions

Recruiting and Publicity

- Prospective student-athlete visits.
- Publicity & electronic communications.
- Advertisements.

Recruiting - Visits

Unofficial visit = Unlimited.

Official Visit = One.

- One financed visit per institution.
- First opportunity to visit – January 1 of the junior year in high school.
- Visit shall not exceed 48 hours.
- Meals, lodging, transportation, entertainment and complimentary admissions.

Division III Bylaws 13.6 and 13.7

Recruiting – Electronic Communication

- Recruiting legislation applies to athletics-based recruiting and does not limit an institution's admissions office from the recruitment of prospective students generally.
- Admissions office (and other departments outside athletics) may publicize a prospective student-athlete's visit to the institution's campus in the same manner done for prospective students generally.
- Staff member outside athletics may publicly initiate or respond to social media correspondence as long as the staff member acts in the same manner for prospective students generally and does not act at the direction of or on behalf of athletics.

Division III Bylaw 13.01.1 and Staff Interpretation [Reference: 4/23/15, Item No. a]

Admissions - Advertisements

Recruiting advertisements.

- Location.
- Event with prospective student-athletes?
- Location specific to prospective student-athletes?

Nonathletic institutional advertisements.

- Who do the funds benefit?
- Is athletics involved?
- Does advertisement contain athletics information?

Financial Aid

- Institutional scholarships and grants.
- Financial aid from outside sources.
- Athletics staff involvement policies.

Financial Aid (cont.)

- When was the last time your institution performed a scholarship and grant audit?
- Are your student-athletes receiving financial aid based on their athletics participation?
- Are your financial aid procedures the same for all students?
- Is financial aid from outside sources reported to your institution's financial aid office?

Financial Aid – Outside Sources

Student-athletes are permitted to receive financial aid from outside sources that consider athletics, provided:

- The award is made on only one occasion (but may be disbursed over multiple years);
- The donor of the aid shall not limit the recipient's choice of institutions to a specific institution; and
- The donor of the award is not connected to the recipient's institution.

Financial Aid - Athletics Staff Involvement

- Athletics staff shall not arrange or modify the financial aid package.
- Prohibited from serving on member institution's financial aid committee.
- Prohibited from being involved in any manner in the review of the institutional financial assistance to be awarded to a student-athlete.

Division III Bylaw 15.4.5 and Official Interpretation [Reference: 1/7/13, Item No. 2-a]



Staying Compliant with NCAA Division III Financial Aid Requirements

This resource is intended to facilitate communication across all campus constituencies (e.g., director of athletics, director of financial aid, development office, admissions office and athletics compliance) with a role in the institution's financial aid awarding process. The NCAA Division III Financial Aid Committee recommends that Division III institutions engage in these conversations regularly to help ensure compliance with Bylaw 15.

Please have the following resources on hand for all discussions:

- ☐ NCAA Division III Manual – Bylaw 15: Financial Aid
- ☐ Annual Financial Aid School Profile Report
- ☐ Institutional Financial Aid Policies and Procedures
- ☐ Institutional Awards Applications and Descriptions
- ☐ NCAA Division III Financial Aid Reporting Program Policies and Procedures Worksheet

Guidelines to a Consistent Financial Aid Package:

1. Financial aid cannot be granted based on a student-athlete's athletics participation. This means institutions should not consider athletics leadership, ability or performance when formulating a financial aid package. [Bylaw 15.4.1-(a)]

Discussion Questions:

- ☐ Is the financial award based on the student-athlete's financial need?
- ☐ What criteria are used for awarding non-need based aid?
- ☐ Do we have a non-need based award policy?
- ☐ Is there an application process for non-need based awards?

3. The financial aid packages for student-athletes should resemble similar packages offered to non-athletes. [Bylaw 15.4.1-(c)]

Discussion Questions:

- ☐ Do student-athletes appear to receive preferential financial aid packaging?
- ☐ Do specific athletics teams appear to benefit from preferential, specific institutional awards or grants?

4. The total award amount given to student-athletes compared to the total award amount given to the overall student population should be proportionate to the number of student-athletes compared to the overall student population. [Bylaw 15.4.1-(d)]

ncaa.org/sites/default/files/Consistent%20FA%20Package%20Resource.pdf

FINANCIAL AID REPORTING PROGRAM

Annual Reporting

- ▶ Division III member institutions are required to participate in the reporting process each year.
- ▶ Allows for the comparison of financial aid packages of freshmen and transfer student-athletes with the aid packages of other freshmen and transfers.
- ▶ Division III Financial Aid Committee is oversight group.
- ▶ Institutional identity remains confidential throughout the entire reporting process and Financial Aid Committee review.

Level I Review

Committee will review an institution if:

- ▶ Sport-level outliers are present.
- ▶ Difference in proportion of financial need met by institutional gift aid is a statistical outlier.
- ▶ Proportionality Difference is a statistical outlier.
- ▶ Previous condition of review or referral to NCAA enforcement by committee.
- ▶ In Year 2 of the provisional membership process.

Level I Review Outcome

The Financial Aid Committee's Level I review will result in one of three outcomes:

1. No action.
2. No action but a conditional review in the next cycle.
3. Move institution to a Level II review.

Level II Review Outcome

- ▶ Institution's opportunity to explain their financial aid report.
- ▶ The Committee's opportunity to review the policies and procedures for administering student financial aid.
- ▶ The review will result in one of three outcomes:
 1. No further action.
 2. No further action but a conditional review in the next cycle.
 3. Referral of the case to NCAA enforcement.

Enforcement Referral

- ▶ The Financial Aid Committee will forward cases with recommendations for appropriate penalties to enforcement.
- ▶ Enforcement staff may process the referral as a secondary violation or conduct an additional investigation, as necessary.

QUESTIONS?