ACTION ITEMS.

1. Legislative Items.


      (1) **Recommendation.** That NCAA Division III Management Council sponsor legislation to define and clarify member expectations when student-athletes are involved in academic misconduct.

      (2) **Effective Date.** August 1, 2018.

      (3) **Rationale.** The current regulatory structure regarding academic misconduct is confusing, unclear and imprecise. By proposing legislation, appropriate revisions to the academic misconduct legislation would serve to benefit individual institutions and the Association as a whole. Under the current regulatory structure, it can be unclear when academic misconduct involving student-athletes falls within the purview of the NCAA and when academic misconduct should be an institutional matter. Legislation would expand the application of academic misconduct legislation to any situation in which an institutional staff member is involved and replace the current academic extra benefit analysis with a specific and limited definition of impermissible academic assistance. In addition, legislation would require institutional policies and procedures regarding academic misconduct for the general student-body. The committee agreed that, this type of legislative change is necessary and will provide consistency across divisions.

      (4) **Budget Impact.** None.

      (5) **Student-Athlete Impact.** None.


      (1) **Recommendation.** That NCAA Division III Management Council approve the incorporation of the official interpretation [Reference: 9/28/16, Item No. 2b] into the legislation.
The Interpretations and Legislation Committee confirmed that the Division III seasons of participation standard does not apply to a transfer student-athlete's previous participation at a non-Division III institution. The transfer student-athlete is subject to the legislation that applied to the previous institution during the term of participation.

[References: NCAA Division III Bylaw 14.2.4 (criteria for determining season of eligibility) and a Staff Interpretation (3/8/2016, Item No. a), which has been archived.]

(2) **Effective Date**: Immediate.

(3) **Rationale**: The committee issued the interpretation to clarify that a student-athlete is subject to the season of participation legislation at the institution the student-athlete attended during a given term of participation. Incorporating this interpretation further serves to reduce the confusion and clarify that a transfer student-athlete who practiced but did not compete at a Division I or II institution would not be retroactively charged with a season of participation upon transfer to a Division III institution. The committee agreed that incorporating the existing official interpretation would help ensure that the membership understands the application of how to apply the use of a season of participation.

(4) **Budget Impact**: None.

(5) **Student-Athlete Impact**: None.

c. **Incorporation of Official Interpretation – Promotional Activity Involving a Commercial Sponsor or Location – 12.5.1.1.**

(1) **Recommendation**: That NCAA Division III Management Council approve the incorporation of the official interpretation [Reference: 10/20/2016, Item No. 2b] into the legislation.

The Interpretations and Legislation Committee determined that student-athletes are permitted to distribute information about institutional fundraisers, even if those institutional fundraisers involve a commercial location or sponsor, as information distribution does not constitute promotion of a commercial product or service.

[References: NCAA Division III Bylaws 12.5.1.1 (institutional, charitable, educational or nonprofit promotions) and 12.5.1.1.1 (promotions involving commercial locations/sponsors)]
d. **Incorporation of Official Interpretation – Employment and Endorsement of a Recruiting or Scouting Service – 13.02.12.**


The Interpretations and Legislation Committee confirmed that an athletics department staff member may not be employed (either on a salaried or volunteer basis) in any capacity by a recruiting or scouting service. Additionally, athletics department staff members may not directly promote or endorse a recruiting or scouting service.

[References: NCAA Division III Bylaws 13.02.12 (recruiting or scouting service), 13.10.2.1 (evaluations for media, recruiting services) and 13.12.2.4.1 (camp/clinic providing recruiting or scouting service)]

(2) **Effective Date.** Immediate.

(3) **Rationale.** Incorporating this interpretation further serves to reduce confusion and clarifies that an athletics department staff member may not endorse or be employed (either on a salaried or voluntary basis) in any capacity by a recruiting or scouting service.

(4) **Budget Impact.** None.

(5) **Student-Athlete Impact.** None.

e. **Incorporation of Official Interpretation – Early Graduation Exception to the Full-Time Enrollment Requirement – 14.1.8.1.6.7.**

The Interpretations and Legislation Committee determined that for a student-athlete to satisfy the early graduation exception to the full-time enrollment requirement and remain eligible for the remainder of the playing season without being enrolled full time, the student-athlete must have graduated (or completed degree requirements for graduation) in less than four consecutive years from initial full-time collegiate enrollment and have been charged with a season of participation for that year prior to the completion of degree requirements.

The early graduation exception applies as follows:

(a) A basketball student-athlete completes degree requirements for graduation at the conclusion of the fall semester in less than four consecutive years. She was charged with a season of participation prior to the completion of the fall semester. This student-athlete satisfies the early graduation exception and would be permitted to continue participation for the remainder of the basketball season without being enrolled.

(b) A tennis student-athlete completes degree requirements for graduation at the conclusion of the fall semester in less than four consecutive years. He was charged a season of participation during the fall semester. This student-athlete satisfies the early graduation exception and would be permitted to participate for the remainder of the tennis season without being enrolled.

(c) A baseball student-athlete completes degree requirements for graduation at the conclusion of the fall semester in less than four consecutive years. He was not charged with the use of a season for participation in the nontraditional segment. This student-athlete would not satisfy the early graduation exception and would need to be enrolled full time at his institution in the spring to participate with and compete on the institution’s baseball team.

(d) A softball student-athlete completes degree requirements for graduation at the conclusion of the winter quarter. She started practice for the softball traditional segment but was not charged with a season of participation prior to the conclusion of the winter
quarter. This student-athlete would not satisfy the early graduation exception and would have to enroll full time in the spring quarter to continue participation.

[Note: If a student-athlete does not satisfy the early graduation exception, the student-athlete may still be eligible to participate while not enrolled if another exception applies. Specifically, if a postseason event (e.g., NCAA championship, NAIA championship, NCCAA championship) occurs within 60 days of the end of the semester or quarter in which degree work is completed then the student-athlete would remain eligible for the remainder of the season.]

[References: Bylaws 14.1.8.1.6.7 (eligibility after completion of degree requirements), 14.2.4.1 (minimum amount of participation), NCAA Proposal No. NC-2009-1, NCAA Division III Presidents Council, NCAA Division III Management Council Summary of Actions Fall 2007, and official interpretation (4/15/2015, Item Ref: 2-b, which has been archived)]

(2) **Effective Date.** Immediate.

(3) **Rationale.** Incorporating this interpretation serves to reduce confusion and clarifies that a student-athlete who has completed his or her degree requirements in fewer than four consecutive years from his or her initial collegiate enrollment must have triggered the use of a season to continue to practice and compete (through the conclusion of the season) while not enrolled.

(4) **Budget Impact.** None.

(5) **Student-Athlete Impact.** None.

2. **Nonlegislative Items.**

   • None.

**INFORMATIONAL ITEMS.**

1. **Welcome and Announcements.** The committee chair, Shana Levine, welcomed new committee member Allie Fox, new Division III associate director Chris Brown and thanked Erin Burke for her service to the committee.
2. **Interpretations and Legislation Committee Roster.** The committee reviewed the roster and agreed to submit any corrections to staff.

3. **Review November Report.** The committee reviewed and approved the report from its November 17, 2016, 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 2016-17 year. The topics included:

   a. Division III budget;
   
   b. Division III week;
   
   c. Presidential pledge;
   
   d. Creation of an engagement committee for student-athletes;
   
   e. Year-round football practice contact for college student-athletes interassociation consensus recommendations;
   
   f. Student immersion program;
   
   g. Division III identity initiative;
   
   h. Diversity and inclusion working group;
   
   i. LGBTQ working group;
   
   j. Faculty athletic representatives working group; and
   
   k. Sportsmanship and game environment working group.

6. **Review of Interpretations and Legislation Committee Policies and Procedures.** The committee reviewed its policies and procedures and took no action.

7. **Review Divisions I, II and III Staff Interpretations.** The committee reviewed staff interpretations issued in Divisions I, II and III between September 1, 2016, and January 31, 2017, and took no action.
8. **Review Division III Official Interpretations.** The committee reviewed official interpretations issued in Division III between September 1, 2016, and January 31, 2017, and recommended that these four official interpretations [References: 9/28/2016, Item No. 2-b, 10/20/2016, Item No. 2-a, 11/17/2016, and Item No. 2-a, 12/01/2016, Item No. 2-b] be incorporated into the manual (see Legislative Action Item No. 1b-1e).

9. **Review Divisions I and II Official Interpretations.** The committee reviewed official interpretations issued in Divisions I and II between September 1, 2016, and January 31, 2017, and took no action.

10. **Review Divisions I and II Legislative Actions.** The committee reviewed legislative actions in Divisions I and II between September 1, 2016, and January 31, 2017, and requested that staff review Division II legislative action [Reference: 2017-4] amending the promotional activities legislation, consult with the NCAA legal counsel and bring the legislative action back to ILC to discuss for future Division III consideration.

11. **Review Division III Editorial Revisions.** The committee reviewed editorial revisions issued in Division III between September 1, 2016, and January 31, 2017, and took no action.

12. **Review Division III Educational Columns.** The committee reviewed educational columns issued in Division III between September 1, 2016, and January 31, 2017, and took no action.


   • **Question and Answer Document.** The committee reviewed the question and answer document for the 2017 legislative proposals and instructed staff to do the following:

   (1) Draft question no. 2 of Division III Proposal No. 2017-1 as an official interpretation for future review by the committee;

   (2) Draft question no. 9 of Division III Proposal No. 2017-3 as an official interpretation for future review by the committee;

   (3) Draft an official interpretation clarifying the difference between a date of competition sport and contest sport and how the two scrimmages, exhibitions or joint practice exemptions apply with the adoption of Division III Proposal No. 2017-4 for future review by the committee; and
(4) Draft question nos. 3, 4, 5, 6 and 7 of Division III Proposal No. 2017-7 as an official interpretation(s) for future review by the committee.

14. Division III Interpretive and Legislative Issues.

a. **Player Card Agreements.** The committee reviewed whether a player agreement between an athlete and an amateur team is an activity constituting the use of a season for purposes of the organized competition legislation. The committee decided that an agreement to compete with an amateur team, where no pay is provided, is not a contract for purposes of this legislation and thus should not be charged with a season of participation nor be required to serve an academic year of residence. The committee agreed that legislation should apply when a professional contract is signed. The committee requested staff draft an official interpretation for future review by the committee.

b. **Consortiums and Graduate School.** The committee reviewed whether a graduate student who has attended an undergraduate institution within an athletics consortium be permitted to remain eligible while attending a graduate program at a different institution within that consortium. Currently, an official interpretation [Reference: 09/21/1983, Item No. q] permits graduate students who have attended one of the five undergraduate institutions included in the Claremont McKenna-Harvey Mudd-Scripps Colleges and Pomona Pitzer Colleges consortiums to remain eligible while attending Claremont Graduate School. In the time since the 1983 official interpretation, Claremont Colleges opened the Keck Graduate Institute of Applied Life Sciences. While the committee expressed reservations regarding this 1983 interpretation, there was nothing to distinguish the Keck Graduate Institute of Applied Life Sciences from the Claremont Graduate school to suggest a different application. Therefore, graduate students who have enrolled in one of the five undergraduate institutions are permitted to remain eligible while attending the Claremont Graduate School or the Keck Graduate Institute of Applied Life Sciences. Based on the committee’s potential concerns with the 1983 interpretation, the committee asked for additional information regarding the structure of the consortium and may revisit this interpretation in the future.

c. **4-2-4 Transfer Exception.** During its September in-person meeting, the committee reviewed the 4-2-4 transfer exception legislation and requested staff draft an editorial revision to clarify that the first four-year institution must assess the student-athlete’s eligibility at that institution at the point in time when the student-athlete transfers from the original four-year institution. The committee reviewed whether the legislation should be expanded to allow for eligibility to be determined at either the time of transfer from the original institution or at the time of transfer to the certifying institution, whichever is best for the student-athlete. The
committee decided that the number of situations do not justify further change to the bylaw but, rather, situations can be more appropriately addressed through the waiver process on a case-by-case basis. The committee decided that if the number of waivers becomes significant the legislation should be revisited.

d. Areas of Consternation. The committee received an update on the NCAA academic and membership affairs’ goal of identifying legislation and legislative applications that create membership consternation. The committee reviewed Requests Self-Reports Online data over the past 2 1/2 years and Division III Bylaws 12, 13, 14 and 16 to determine which parts of the legislation create confusion and are difficult to apply on campus. The committee recommends multiple areas of the legislation for staff to review and use towards the process in identifying areas of consternation. The committee also recommended that staff consult compliance administrators from member institutions at Regional Rules Seminars.

15. Requests/Self-Reports Online. The committee received an update from staff regarding the RSRO 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. NCAA Regional Rules Seminars. The committee reviewed session titles for the 2017 NCAA Regional Rules Seminars.

17. Future Meetings. The committee reviewed its future meeting schedule and identified February 8-9 and September 20-21, 2018, for future in-person meetings.

18. Other Business. No issues were presented.


Committee Chair: Shana Levine, Lewis and Clark College
Staff Liaisons: Jeff Myers, Academic and Membership Affairs
                Chris Brown, Academic and Membership Affairs
                Joni Williamson, Academic and Membership Affairs
### Attendees:

- Amy Backus, Case Western Reserve University, University Athletic Association.
- Chuck Brown, Pennsylvania State University Erie, the Behrend College; Allegheny Mountain Collegiate Conference.
- Sean Cain, Adrian College, (Student-Athlete); Michigan Intercollegiate Athletic Association.
- Jim Cranmer, St. Mary's College of Maryland, Capital Athletic Conference.
- Allie Fox, Mills College, Independent.
- Shantey Hill, St. Joseph's College (Long Island); Skyline Conference.
- Gregg Kaye, Commonwealth Coast Conference.
- Shana Levine, Lewis and Clark College; Northwest Conference.

### NCAA Staff Liaisons in Attendance:

- Jeff Myers, Chris Brown and Joni Williamson.

### Other NCAA Staff Members in Attendance:

- Erin Burke, Brian Burnsed, Louise McCleary and Jean Orr.