ACTION ITEMS.

1. Legislative Items.

- Incorporation of Official Interpretation – Reservation of Facility During Summer by Certified Strength and Conditioning Coach (III) – Bylaw 17.02.1.1.1.


  Reservation of Facility During Summer by Certified Strength and Conditioning Coach (III). The Interpretations and Legislation Committee confirmed that, outside the playing and practice season, an institution’s certified strength and conditioning coach may only reserve an athletic facility for voluntary workouts that he or she will conduct. Because a certified strength and conditioning coach is only permitted to conduct voluntary workouts during the academic year, the certified strength and conditioning coach may not reserve an athletic facility during the summer. A student-athlete, however, may access a weight room designated exclusively for student-athletes at any time, including during the summer.

  [References: NCAA Division III Bylaw 17.02.1.1.1 (exceptions)]

  (2) **Rationale.** The committee issued the interpretation to provide guidance clarifying the distinction between out of season use of a student-athlete only weight room and out-of-season facility reservation by a certified strength and conditioning coach (see NCAA Division III Interpretations and Legislation Committee report dated March 17, 2016, Item No. 2a). Incorporating this interpretation serves to further reduce confusion by clearly setting forth in the manual how strength and conditioning facilities may be reserved.

  (3) **Budget Impact.** None.

  (4) **Student-Athlete Impact.** None.
2. \textbf{Nonlegislative Action Items.}


(1) \textbf{Recommendation.} That NCAA Division III Management Council recommend NCAA Division III Presidents Council designate that votes for all proposals at the NCAA 2017 National Convention be taken using the roll-call method, regardless of grouping (presidential or general) and approve the voting order as set forth in the attached Addendum.

(2) \textbf{Effective Date.} Immediate.

(3) \textbf{Rationale.} While Presidents Council is responsible for establishing the order of proposal voting as well as the method for conducting those votes, the Interpretations and Legislation 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 attached Addendum.

(4) \textbf{Budget Impact.} None.

(5) \textbf{Student-Athlete Impact.} None.

b. \textbf{ Approval of Official Interpretation – Seasons of Participation – Transfer from a non-Division III Institution (III).}

(1) \textbf{Recommendation.} That NCAA Division III Management Council approve the following official interpretation:

\textit{Seasons of Participation -- Transfer from a non-Division III Institution (III).} 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)]

(2) **Rationale.** During its September 2016 meeting, the Interpretations and Legislation Committee reviewed a staff interpretation [Reference: 3/8/2016, Item No. a] that clarifies 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. Thus, a 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 elevating the existing staff interpretation to an official interpretation would help ensure that the membership understands the application of this interpretation.

(3) **Budget Impact.** None.

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

**INFORMATIONAL ITEMS.**

1. **Welcome and Announcements.** The chair, Shana Levine, noted this is the last in-person meeting for Sara Beth Holman and welcomed Division III Student-Athlete Advisory Committee member Michael Rubayo, who served as the SAAC representative in Sean Cain’s absence.

2. **Interpretations and Legislation Committee Roster.** The committee reviewed the roster and agreed to submit any corrections to staff.

3. **Review July Report.** The committee reviewed and approved the report from its July 28, 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:

   - Division III budget;
   - NCAA Board of Governors;
6. **Review Divisions I, II and III Staff Interpretations.** The committee reviewed staff interpretations issued in Divisions I, II and III between February 1 and August 31, 2016, and recommended that one staff interpretation [Reference: 3/08/2016, Item No. a] be elevated to an official interpretation (see Action Item 2b).

7. **Review Division III Official Interpretations.** The committee reviewed official interpretations issued in Division III between February 1 and August 31, 2016, and recommended that one official interpretation [Reference 3/23/2016, Item No. 2a] be incorporated into the manual (see Action Item 1).

8. **Review Divisions I and II Official Interpretations.** The committee reviewed official interpretations issued in Divisions I and II between February 1 and August 31, 2016. Based on a review of the Division I official interpretation establishing ringette and ice hockey as the same sport [Reference 7/27/2016, Item No. 1], the committee requested that staff draft an educational column containing all of the examples where two sports were considered the same for purposes of NCAA amateurism, outside competition and seasons of competition legislation. Combining all of those examples into one educational column allows easier access for the membership.

9. **Review Division III Editorial Revisions.** The committee reviewed editorial revisions issued in Division III between February 1 and August 31, 2016, and took no action.

10. **Review Division III Educational Columns.** The committee reviewed educational columns issued in Division III between February 1 and August 31, 2016, and took no action.
11. Review Divisions I and II Legislative Actions. The committee reviewed legislative actions in Divisions I and II between February 1 and August 31, 2016, and took no action.

12. Review of 2017 Convention Division III Legislation. The committee reviewed the Division III proposals under consideration for the 2017 Convention and offered suggestions for the question and answer document. The committee also recommended positions for the NCAA Division III Management Council to take on the following membership sponsored proposals:

a. NCAA Division III Proposal No. 1-1 – Legislative Authority and Process – Amendment Process – Reconsideration – Eliminate Window of Reconsideration and Prohibit Additional Reconsideration. The committee recommended a position of support for this proposal. The committee agreed that the window of reconsideration is unnecessary given the amount of time institutions have to prepare for the initial vote, and that reconsideration votes may not accurately represent the division’s interests because some delegates depart before those votes are cast. However, the committee recommended that the proposals be discussed in more depth during the issues forum at Convention prior to the business session taking place to allow institutions additional time to research and ask questions regarding the proposals.

b. NCAA Division III Proposal No. 1-2 – Recruiting – Tryouts and Camps and Clinics – Deregulating Camps and Clinics. The committee recommended a position of support for this proposal. The committee agreed that the current legislation burdens institutions to vet outside organizations prior to renting out institutional facilities and that many prospective student-athletes attend camps for recruiting purposes. The committee also recognized that this proposal provides more flexibility for coaches and institutions to conduct events involving prospective student-athletes.

c. NCAA Division III Proposal No. 1-3 – Eligibility – Graduate and Postbaccalaureate Transfers. The committee recommended a position of support for this proposal. The committee agreed this proposal would allow student-athletes to make academic and athletic choices that are in their best interests. The committee also recognized that a student-athlete who has already earned his or her degree should not be restricted to stay at the same institution to further his or her education if they want to compete. Although recommending a position of support, the committee expressed the following concerns with the proposal: (1) lack of accountability to ensure student-athletes complete a second baccalaureate or graduate degree; (2) institutions without graduate programs may be at a disadvantage compared to institution with graduate programs; and (3) teams may use the rule as a loophole to stack rosters with talented graduate transfers.

a. Academic Misconduct Update. The committee received an update about recently adopted academic misconduct legislation at the Division I level. The committee recognized that the concept of academic misconduct warrants additional review in Division III and agreed that ensuring academic integrity is consistent with the Division III philosophy. The committee agreed that, with the exception of the financial aid components of the legislation, the legislative changes in Division I would be appropriate within the Division III academic model. The committee also recommended that NCAA Division III Management Council seek input on this topic from the Student-Athlete Advisory Committee and chancellors and presidents of Division III institutions. The committee also agreed that this information should be presented to the Faculty Athletics Representatives Association.

b. Promotional Activity Involving Commercial Sponsor/Location. The committee reviewed the question of whether a student-athlete may direct people to do business with a commercial entity if some or all of the profits from that business benefit the student-athlete’s institution. The committee agreed that, within the context of an institutional fundraiser, a student-athlete providing information about the sponsor or location of the fundraiser does not equate to promotion of a commercial sponsor. The committee also agreed that a commercial sponsor that retains a percentage of profits simply represents the cost associated with an institutional fundraiser and does not conflict with the requirement that all money derived from the fundraiser go directly to the institution. The committee requested staff draft an official interpretation clarifying the application of the legislation.

c. Recruiting and Scouting Service. The committee reviewed whether an athletics department staff member may be employed by a recruiting or scouting service in any capacity. The committee agreed that the legislative restrictions regarding the publicity of recruitment as well as limitations regarding the involvement with recruiting services prohibits an athletics department staff member from being employed (either on a salaried or volunteer basis) in any capacity by a recruiting or scouting service and from endorsing a recruiting service. The committee recommended staff draft an official interpretation clarifying the application of this legislation for future review by the committee.

d. Out-of-Season Activities as Part of a National Team Development Program. The committee reviewed the existing legislation related to Olympic and National Team development programs. Specifically, the committee reviewed the concern that coaches may identify their entire team as program participants, thereby allowing out-of-season athletically related activities. The committee agreed that while selected coaches can identify development program participants, institutional coaches are not permitted to identify their entire team to avoid the out-of-season
e. **4-2-4 Transfer Exception.** The committee reviewed the question of whether academic and athletic eligibility for a 4-2-4 transfer is determined based on the time of transfer from the original four-year institution or at the time of transfer to the second four-year institution. Specifically, the committee reviewed the current legislation, which was adopted via NCAA Division III Proposal No. M-2012-1, which states 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 to the second four-year institution, despite the fact that the student-athlete attended a two-year institution in the interim. However, previous committee supplements as well as the additional information statement for Proposal No. M-2012-1 suggest that the eligibility should be determined at the time of transfer from the original four-year institution. The committee agreed that the language adopted in Proposal No. M-2012-1 does not match the original intent and that the analysis should occur at the time of transfer “from” that original four-year institution. The committee requested staff draft an editorial revision to clarify this distinction. Additionally, the committee agreed that it would be in support of future legislative relief waivers for student-athletes that would be academically and athletically eligible, at the time of transfer to the certifying institution, had the student remained at the previous four-year institution. Finally, the committee recommended staff prepare a proposal for future consideration by this committee that would allow greater flexibility regarding considering eligibility at either the time of transfer from the original four-year institution or at the time of transfer to the certifying institution, whichever is more friendly to the student-athlete.

f. **Transfer Following Nonparticipation at a Division I or II Institution.** The committee reviewed the question of whether a transfer from a Division I or II institution who is considered a nonqualifier only because he or she did not complete the Eligibility Center certification process should be immediately eligible at a Division III institution. Division III legislation precludes a transfer student-athlete from using a transfer exception if he or she has an unfulfilled year in residence at the previous institution. Because Division I and II institutions automatically consider a student-athlete who does not complete the EC certification process to be a nonqualifier, all such student-athletes must serve a year in residence at their respective Division I or II institution before being eligible to use a Division III transfer exception. The committee agreed that if a student-athlete was a Division I or II nonqualifier only due to the lack of an EC certification, the student-athlete should be permitted to use the four-year college transfer exception [Bylaw 14.5.5.1.1 – (a)] for student-athletes who have never practiced or competed. The committee requested staff draft an official interpretation clarifying this application for future review by the committee.
g. **Eligibility After Completion of Degree Requirements – Winter Quarter Graduate.** The committee reviewed the question of whether the early graduation exception to the full-time enrollment requirement applies to a student-athlete who graduates after winter quarter, but has not used a season of participation and wants to compete in a spring sport while not enrolled. Specifically, the committee reviewed the official interpretation [Reference: 4/15/2015, Item No. 2b] that clarifies that a student-athlete must have been charged with a season of participation for that year prior to the completion of degree requirements to use the early graduation exception and remain eligible for the playing season while not enrolled full time. The examples in that interpretation, however, were based on a semester schedule. The committee agreed that the early graduation exception should be applied in the same manner for institutions on a semester or quarter system and instructed staff to update the examples in the official interpretation to reflect this application.

h. **Celebratory Signing.** The committee discussed whether the limitations that apply to signing events for the standard, nonbinding celebratory signing form should also apply if the prospective student-athlete is signing a general pre-enrollment form. Prospective student-athletes may not sign the celebratory signing form on the institution’s campus or in the presence of institutional staff members. There are no such limitations if the prospective student-athlete is signing the institution’s pre-enrollment forms used for prospective students in general. The only limitation is that a staff member may not be present if media is present. The committee agreed that recommending additional restrictions to apply to signings of general pre-enrollment forms is not necessary, but acknowledged the potential for confusion and recommended additional education be provided.

14. **Policies and Procedures.** The committee reviewed the policies and procedures and took no action.

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 that have been submitted to staff using RSRO, including response time, bylaw cites and urgency status.

16. **Future Meetings.** The committee reviewed its future meeting schedule. The committee confirmed February 16-17, 2017, and September 21-22, 2017, for its future in-person meetings and decided to keep the teleconference meeting time at Noon Eastern Time.
17. **Other Business.** The committee received a tutorial on how to use the new NCAA Legislative Services Database for the internet (LSDBi).

18. **Adjournment.** The committee adjourned at 11:42 a.m. Eastern time September 16, 2016.

*Committee Chair: Shana Levine, Lewis and Clark College*

*Staff Liaisons: Jeff Myers, Academic and Membership Affairs*

  *Sarah Otey, Academic and Membership Affairs*

  *Joni Williamson, Academic and Membership Affairs*

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**NCAA Division III Interpretations and Legislation Committee**  
**September 15-16, 2016, Meeting**

**Attendees:**

Amy Backus, Case Western Reserve University, University Athletic Association.

Chuck Brown, Pennsylvania State University Erie, the Behrend College; Allegheny Mountain Collegiate Conference.

Jim Cranmer, St. Mary’s College of Maryland; Capital Athletic Conference.

Shantey Hill, St. Joseph’s College (Long Island); Skyline Conference. (teleconference)

Sara Beth Holman, Lawrence University; Midwest Conference.

Gregg Kaye, Commonwealth Coast Conference.

Shana Levine, Lewis and Clark College; Northwest Conference.

Michael Rubayo, Swarthmore College, (Student-Athlete); Centennial Conference (serving in Sean Cain’s absence)

**Absentee:**

Sean Cain, Adrian College, (Student-Athlete); Michigan Intercollegiate Athletic Association.

**NCAA Staff Liaisons in Attendance:**

Jeff Myers, Sarah Otey and Joni Williamson.

**Other NCAA Staff Member in Attendance:**

Erin Burke, Brian Burnsed, Andy Louthain and Louise McCleary.
Proposed Voting Grouping and Order

Presidents Grouping.

1. NCAA Membership -- Conditions and Obligations of Membership -- Independent Medical Care.

2. Eligibility -- Graduate and Postbaccalaureate Transfers.

3. Financial Aid from Outside Sources That Consider Athletics Leadership, Ability, Participation or Performance -- Restriction on Recipient's Choice of Institutions.

General Grouping.

4. Playing and Practice Seasons -- General Playing Season Regulations -- Standardization of Annual Contest and Date of Competition Exemptions.

5. Playing and Practice Seasons -- Field Hockey and Lacrosse -- Preseason Joint Practice, Scrimmage or Exhibition -- Exemption from Maximum Contest and Date of Competition Limitations.

6. Playing and Practice Seasons -- General Playing Season Regulations -- Required Day Off for Track and Field Indoor/Outdoor and Swimming and Diving.


8. Membership -- Provisional or Reclassifying Membership -- Class Size and Assignment -- Provisional Program Size Limit.