ACTION ITEMS.

1. Legislative Items.


      Organized Competition – Player Agreement Before Initial Collegiate Enrollment (III). The Division III Interpretations and Legislation Committee confirmed that a player agreement to compete with an amateur team, where no payment is provided, is not competition pursuant to the signing of a contract that would constitute participation in organized competition before initial collegiate enrollment. Therefore, an individual shall not be charged with a season of participation nor be required to serve an academic year of residence.

      [References: NCAA Division III Bylaws 14.2.4.4 (participation in organized competition before initial collegiate enrollment) and 14.2.4.4.2 (activities constituting use of a season).]

      (2) Rationale. The incorporation of this official interpretation clarifies within the pre-enrollment organized competition legislation that an agreement to compete with an amateur team, where no payment is provided, does not constitute the use of a season of participation nor requires an academic year of residence.

      (3) Budget Impact. None.

      (4) Student-Athlete Impact. None.


      (1) Recommendation. That the NCAA Division III Management Council sponsor convention legislation to permit a student-athlete to practice and compete while enrolled in less than a full-time program of studies during
the final term or quarter of the student's baccalaureate degree program before participating in an experiential learning requirement (e.g., student teaching, internship, clinical, capstone project, etc.) in the following, provided the student-athlete is carrying (for credit) all courses necessary to complete degree requirements other than that experiential learning requirement.

(2) **Effective Date.** August 1, 2019.

(3) **Rationale.** Student-athletes who are required to complete an experiential learning requirement are often not provided the opportunity to use the existing final term exception to full-time enrollment although they are completing all remaining degree requirements other than the experiential requirement of their degree program, during their final term. This proposal provides flexibility for student-athletes required to complete these experiential learning requirements while still maintaining the Division III philosophy.

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

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

2. **Nonlegislative Action Items.**

a. **Convention Proposal Grouping for 2018.**

(1) **Recommendation.** That the NCAA Division III Management Council recommend NCAA Division III Presidents Council approve the voting order as set forth in the Attachment.

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

(3) **Rationale.** While Presidents Council is responsible for establishing the order of proposal voting, the Interpretations and Legislation Committee conducted an initial review and made the recommendation as set forth in the Attachment.

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

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

1. Welcome and Announcements. The chair, Shana Levine, noted this was her last in-person meeting and welcomed Kayla Robles, who will serve as the intern for the Division III Academic and Membership Affairs team.

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


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 2017-18 year. The topics included:
   • NCAA Board of Governors;
   • Pathway to Opportunity;
   • Alcohol policy;
   • Division III budget;
   • Concussion protocol;
   • Taskforce around mental health;
   • International ice hockey pilot;
   • Faculty athletics representatives working group;
   • LGBTQ working group;
   • Sportsmanship working group;
   • Diversity and inclusion working group;
• Graduation data submission; and
• Division III week.

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, 2017, and took the following action:

   a. Recommended staff issue an interpretation similar to the Division II staff interpretation [Reference: 4/04/2017, Item No. a] clarifying that a student-athlete who participates in their fourth season of participation in the fall term, may participate in competition during the spring nontraditional segment in the same academic year.

   b. Directed staff review the Division III staff interpretation [Reference 8/29/2017, Item No. a] clarifying it is not permissible for a student-athlete to receive green fees outside an institution's playing season. The committee discussed if providing student-athletes access outside the playing season to noninstitutional facilities specific to their sport should be considered an extra benefit, if the institution does not have those sport specific facilities. The committee instructed staff to review this issue from a legislative and interpretative perspective for discussion at a future meeting.

7. **Review Division III Official Interpretations.** The committee reviewed official interpretations issued in Division III between February 1 and August 31, 2017, and recommended that one official interpretation [Reference 4/21/2017, Item No. 2] be incorporated into the manual (see Action Item 1a).

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, 2017 and identified one interpretation [Division I Official Interpretation Reference 7/11/2017, Item No. 2] for additional discussion. This interpretation identified permissible nutritional supplements an institution may provide to student-athletes. [Reference 7/11/2017, Item No. 2] Currently, Division III institutions may not provide nutritional supplements to student-athletes unless they are part of a permissible meal incidental to participation. The committee determined that student-athlete well-being should guide this discussion and requested that staff gather feedback from the Sports Science Institute and the Committee on Competitive Safeguards and Medical Aspects of Sports for review at a future meeting.

9. **Review Divisions I and II Legislative Actions.** The committee reviewed legislative actions in Divisions I and II between February 1 and August 31, 2017, and specifically discussed the following:
a. **Division I 2017-10:** Allows student-athletes to practice and compete while enrolled less than full-time during the final term before an experiential learning requirement (e.g., student teaching, internship, clinical, capstone project, etc.). [See Action item 1b]

b. **Division I Proposal 2016-97:** Allows an institution to conduct a foreign tour in U.S. commonwealths or territories. The committee agreed that a legislative change was not necessary at this time, due to a recent Division III membership proposal addressing this issue that failed to achieve co-sponsorship. However, since the Division III Student-athlete Advisory Council initially supported the membership proposal, the committee recommends that the SAAC review and discuss a potential legislative recommendation.

c. **Division I Proposal 2016-112:** Requires institutions to complete a student-athlete health and safety survey on an annual basis, based on policies and procedures determined by the Committee on Competitive Safeguards and Medical Aspects of Sports. Prior to deciding if a similar change is warranted in Division III, the committee requested that staff find additional information about the survey for review at a later meeting.

d. **Division II NC-2018-20:** Provides an exception to the restrictions on publicity before commitment that allows actions (e.g., "liking," "favoriting," republishing) by an institutional staff member on social media platforms that indicate approval of content on social media platforms that was generated by users of the platform other than an institutional staff member or representative of an institution's athletics interests. The committee expressed interest in the proposal, since it only allows institutional staff members to engage publicly via social media in instances when the prospective student-athlete initiates the post. The committee requested that the Division III Student-Athlete Advisory Committee review the proposal and that staff gather feedback from the Division I and II student-athlete advisory committees as well. Staff will gather that feedback for discussion at a future meeting.

e. **Division II Proposal NC-2018-9:** Permits an institution to approve a two-semester or three-quarter extension for a transgender female (male to female) student-athlete who uses two semesters or three quarters while completing a one calendar year of testosterone suppression treatment or surgical intervention. Division III addresses this issue through the waiver process and has directives similar to this legislation. Consequently, the committee did not pursue a similar legislative change. The committee recommended that the Management Council Subcommittee for Legislative Relief guidelines pertaining to transgender student-athlete participation be included in the NCAA Inclusion of Transgender Student-Athletes document.
10. **Review Division III Editorial Revisions.** The committee reviewed editorial revisions issued in Division III between February 1 and August 31, 2017, and took no action.

11. **Review Division III Educational Columns.** The committee reviewed an educational column [Reference 4/27/2017, Item No. 1] addressing athletically related activities and focusing on captain's practices. The committee requested staff redraft Question No. 2 to better reflect that captain's practices are not permissible. Additionally, both the committee and staff recognized that captain's practices as an area of consternation for the Division III membership. In particular, institutions have expressed concern with the current language of the legislation and the ability for an institution to adequately monitor student-athlete participation/organization. The committee agreed with staff seeking additional membership input and discussing at a future meeting.

12. **Review of 2018 Convention Division III Legislation.** The committee reviewed the Division III proposals under consideration for the 2018 Convention and offered suggestions for the question and answer document.

13. **Division III Interpretative Issues.**

   a. **Eligibility After Completion of Degree Requirements – Winter Quarter Graduate.** The committee reviewed the question of whether a legislative change to the early graduation exception to the full-time enrollment requirement was necessary for winter quarter graduates. Specifically, the committee reviewed the application of the legislation 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. While the committee recognized the impact of the legislation for student-athletes on the quarter system, they agreed that a legislative change was not necessary and that the early graduation exception should continue to apply in the same manner for institutions on a semester or quarter system.

   Further, the committee reviewed whether a legislative change to the full-time enrollment legislation should be made to accommodate a student-athlete who completes degree requirements in the winter quarter, should be permitted to compete in a spring sport when the post-season event in the student-athlete's sport begins more than 60 days after the term. The committee agreed a legislative change was not needed and that the current full-time enrollment exception that permits student-athletes to complete while not enrolled, when a post-season event occurs within 60 days of the end of the term should be applied in the same manner for institutions on a semester or quarter system.
b. **Entertainment Restrictions on an Official Visit.** The committee reviewed and confirmed that the purchase of admission to attend an away-from-home contest that is within 30 miles from the campus is a permissible use of entertainment funds for a prospective student-athlete on an official visit. The committee recommended staff issue a staff interpretation to provide clarification.

c. **Institutional Operation of a Youth Sports League.** The committee reviewed the issue of whether an institution is permitted to conduct an evaluation for participation as a component of an institutionally operated youth sports league. Specifically, the evaluation would be utilized to determine teams within the youth sports league. The committee agreed that an institution is permitted to conduct an evaluation for the purpose of determining placement on teams within a permissible sports league. The committee further noted that the institutionally operated youth sports league would still need to satisfy the provisions of the camps, clinics and other athletic events legislation.

d. **Application of Photograph of Prospective Student-Athlete Legislation for Digital Photos.** The committee reviewed and agreed that an institution may provide a prospective student-athlete with an unaltered digital photo taken while on an official visit, without being considered an impermissible offer and inducement. The committee recommended staff issue an interpretation to provide clarification.

e. **Recruiting Advertisements.** The committee reviewed the question of what constitutes a recruiting advertisement for the purposes of NCAA Division III Bylaw 13.4.2.1 (Recruiting Advertisements). The committee agreed that the application of Bylaw 13.4.2.1 is specific to promotions designed to solicit the enrollment of prospective student-athlete but noted that the location of the advertisement is the distinguishing factor in analyzing if an advertisement violates the legislation. As such, the committee instructed staff to continue with permissive responses when the advertisement in question is not placed at events involving prospective student-athletes, two-year or high school game programs, or aired during two-year college or high school contests. The committee agreed that a more holistic review of the limitations on advertisements and promotions may be needed.

f. **Non-NCAA Varsity Sports.** The committee reviewed an interpretive issue pertaining to application of the playing and practice seasons legislation for varsity sports that are not sponsored by the NCAA. Specifically, the committee discussed whether a coaching staff member who coaches an institution’s men’s varsity volleyball team, is permitted to coach an institution’s men's varsity beach volleyball team that includes current student-athletes. In its discussion, the committee reviewed official interpretation [Reference: 4/22/2016, Item no. 2b] which precludes a coaching staff member from coaching an institutional club team that
includes student-athletes from the coach's sport. The committee instructed staff to amend the official interpretation [Reference: 4/22/2016, Item no. 2b] for their review, reflecting that an institution's coach may not be involved in any capacity outside the declared playing and practice season with an institution's non-NCAA sponsored varsity team, in any sport, if the varsity team includes a student-athlete from that coach's NCAA sport.

g. **Promotional Contests.** The committee reviewed the question of whether a prospective student-athlete or student-athlete can receive a prize for winning an institutional or noninstitutional promotional contest, if the contest is not held in conjunction with an intercollegiate competition. Specifically, the committee reviewed Bylaws 12.5.1.1.4 and 16.11.1.4 which govern receipt of prizes for participation in a promotional activity. While Bylaw 12.5.1.1.4, stipulates that for a student-athlete or prospective student-athlete to receive a prize for participation in a promotional activity, it must be held in conjunction with an institutional competition. However, Bylaw 16.11.1.4 does not have this provision. Based on this inconsistency in the legislation, the committee determined instructed staff to complete an editorial revision to Bylaw 12.5.1.1.4 to clarify that the promotional activity does not need to be held in conjunction with an institutional contest in order for a student-athlete or prospective student-athlete to receive a prize.

h. **Receipt of Educational Expenses – Pre-enrollment.** The committee reviewed the question of whether a prospective student-athlete can receive educational expenses for his or her secondary education based in any degree on athletics without impacting his or her eligibility. The committee reviewed the pre-enrollment legislation in both Divisions I and II and agreed that a more flexible legislative standard similar to Divisions I and II may be warranted. The committee advised staff to draft a proposal based on the Division I legislation for review at a future meeting.

i. **Outside Organization Providing Free Admission to Summer Basketball Camps.** The committee reviewed the question of whether an institutional staff member is permitted to work at a camp that provides free or reduced admissions to disadvantaged prospective student-athletes, even though, this benefit is not available to all attendees of similar situations. The committee determined it would not be permissible for a coaching staff member to work an outside camp or clinic that provides such free or reduced admissions. The committee instructed staff to update the staff interpretation [Reference: 3/16/1990, Item no. a]. Further, the committee instructed staff to review the current definition of “host” as outlined in Bylaw 13.11.3.2 and bring back to the committee at a later meeting.
Further, the committee discussed the ability for an institution to host an event that does not meet the sports camps and clinics and other athletics event legislation. The committee noted clarity is required in regard to the definition of host.

j. **Consortiums and Graduate School.** The committee tabled this item for a future meeting.

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. For future review, the committee requested staff provide 3, 4 or 5-year trends as a comparison.

16. **The 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. Specifically, staff identified Bylaws 12, 13, 14, and 16 as the primary areas of consternation and outlined education initiatives to address. With the committee's approval, staff will move forward with executing said educational initiatives throughout the 2017-18 academic year.

17. **Future Meetings.** The committee reviewed its future meeting schedule. The committee confirmed February 8-9, 2018, and September 20-21, 2018, for its future in-person meetings and decided to keep the teleconference meeting time at Noon Eastern Time.

18. **Other Business.** The committee thanked Shana Levine for her service as committee chair. Further, the committee provided recommendations for potential educational initiatives.

19. **Adjournment.** The committee adjourned at 11:30 a.m. Eastern time September 22, 2017.
Committee Chair: Shana Levine, Lewis and Clark College
Staff Liaisons: Chris Brown, Academic and Membership Affairs
               Jeff Myers, Academic and Membership Affairs
               Joni Williamson, Academic and Membership Affairs

| NCAA Division III Interpretations and Legislation Committee |
| September 21-22, 2017, Meeting |
| Attendees: |
| Amy Backus, Case Western Reserve University, University Athletic Association. |
| Chuck Brown, Penn State University Erie, the Behrend College; Allegheny Mountain Collegiate Conference. |
| Jim Cranmer, St. Mary's College of Maryland; Capital Athletic Conference. |
| Alexandra Fox, Mills College; Independent. |
| Shantey Hill, St. Joseph's College (Long Island); Skyline Conference. (teleconference) |
| Gregg Kaye, Commonwealth Coast Conference. |
| Shana Levine, Lewis and Clark College; Northwest Conference. |
| Michael Rubayo, Swarthmore College, (Student-Athlete); Centennial Conference. |
| Absentee: |
| None. |
| NCAA Staff Liaisons in Attendance: |
| Chris Brown, Jeff Myers and Joni Williamson. |
| Other NCAA Staff Member in Attendance: |
| Abigail Markey, Louise McCleary and Kayla Robles. |
Proposed Voting Grouping and Order

Presidents Grouping.

1. ELIGIBILITY -- ACADEMIC MISCONDUCT AND IMPERMISSIBLE ACADEMIC ASSISTANCE.

2. ETHICAL CONDUCT -- SPORTS WAGERING ACTIVITIES -- SANCTIONS -- ELIMINATION OF LEGISLATED SANCTIONS.

3. DIVISION III COMMITTEES -- ELIGIBILITY OF MEMBERSHIP -- STUDENT-ATHLETE ADVISORY COMMITTEE -- CHANGE IN COMPOSITION.

4. ELIGIBILITY -- GRADUATE AND POSTBACCALAUREATE ELIGIBILITY -- STUDENTS GRADUATING FROM DIVISION III INSTITUTIONS.

5. PLAYING AND PRACTICE SEASONS -- FOOTBALL -- ESTABLISHING PRESEASON START DATE 25 DAYS FROM FIRST CONTEST.

General Grouping.

6. PLAYING AND PRACTICE SEASONS -- ANNUAL CONTEST EXEMPTIONS -- ALUMNI CONTEST.

7. PLAYING AND PRACTICE SEASONS -- BASKETBALL -- FIRST PERMISSIBLE CONTEST -- NOVEMBER 8TH.

8. PLAYING AND PRACTICE SEASONS -- ICE HOCKEY -- FIRST PERMISSIBLE ON-ICE PRACTICE DATE -- SECOND MONDAY IN OCTOBER.

9. AMATEURISM -- PROMOTIONAL ACTIVITIES -- PERMISSIBLE -- INSTITUTIONAL, CHARITABLE, EDUCATIONAL OR NONPROFIT PROMOTIONS -- EDUCATIONAL REQUIREMENT.