

FACULTY ATHLETICS REPRESENTATIVES ASSOCIATION

Review of 2009-10 Division III Legislative Proposals to be presented at the January 2010 Convention

The following review of the proposed legislation for the *2010* NCAA National Convention has been generated following the FARA Fall Forum held in November *2009*. The Division III members present at the Legislative Review session discussed each proposals and adopted, by vote, the position of the Association. The recommendations in this report are to be considered informational to guide FARs as the proposed legislation is discussed at the individual institutions and conference meetings. The recommendations that are listed as **STRONGLY SUPPORT** were voted so unanimously; those listed as **STRONGLY OPPOSED** were voted so unanimously. All other votes were split but majority.

The proposals are listed in the order that they appear in the Official Notice of the *2010* Convention, with the numbers in parentheses representing the ordering of the Second Publication of Proposed Legislation. The final order of vote, of course, is subject to change. Proposals to be decided by Paddle Vote are so noted; all others are roll call.

This review is respectfully submitted by the FARA D-III Legislative Review Committee:

Scott Armacost, Chair, Franklin College (Franklin, Indiana)

George Metz, Bluffton University (Bluffton, Ohio)

James Wallace, St. Lawrence University (Canton, New York)

Effel Harper, University of Mary Hardin-Baylor (Belton, Texas)

Polly Mathys, Alvernia University (Reading Pennsylvania)

The principal investigator is noted following each recommendation.

No. 2010-1 DIVISION MEMBERSHIP — DIVISION III PHILOSOPHY STATEMENT — AFFIRMATION OF PRESIDENTIAL LEADERSHIP AT INSTITUTIONAL, CONFERENCE AND NATIONAL GOVERNANCE LEVELS OF DIVISION III

Intent: Specify in the Division III Philosophy Statement the expectation for presidential leadership and authority over intercollegiate athletics at the campus, conference and national governance levels.

Source: NCAA Division III Presidents Council.

Effective Date: August 1, 2010

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Advantages: Since the presidents and chancellors have the ultimate leadership responsibility within the NCAA's governance structure it should be stated in the Division III Philosophy Statement.

Disadvantage: None

Recommendation: Strongly Support

Proposal 2010-2 ELIGIBILITY — TRANSFER REGULATIONS — RESIDENCE REQUIREMENT— DISCIPLINARY SUSPENSION — EXCEPTION

Intent: To specify that a transfer student who meets the requirements of the two-year non-participation exception shall be immediately eligible on transfer to the certifying institution, even if the student was disqualified or suspended from the previous institution for disciplinary reasons.

Source: Massachusetts State College Athletic Conference and Allegheny Mountain Collegiate Conference

Effective Date: August 1, 2010

Advantages: 1) Creates comparable sanctions for academic and disciplinary suspensions. 2) Because colleges have differing standards and regulations regarding disciplinary issues, the proposed exception allows for flexibility. The new institution can determine acceptance and eligibility on a case by case basis. 3) Allows a student who was suspended for disciplinary reasons, and who remains out of school for two years, to transfer and play immediately. An extra year out may help students to adjust before getting back to sports. Participation in sports may be what keeps the student in school. They would be eligible under this legislation but institution would not be required to allow them to participate. Students that have had an

undiagnosed problem may have had the time to receive the help needed and then appropriate to participate.

Disadvantages: The athlete who has not been a student for two years may benefit from a year in residence prior to becoming eligible for competition. Disciplinary suspension is not equivalent to academic suspension. The likely reasons for disciplinary suspension are a lack of respect for either people or property. Consequently, the primary concern is whether or not the student can function appropriately with his or her collegiate peer group, and staying out of college for two years does not inform this issue.

Recommendation: Support

No. 2010-3 RECRUITING — TRYOUTS — DEREGULATION AND REFORMATTING OF TRYOUT — PERMISSIBLE AND NONPERMISSIBLE TRYOUTS

Intent: To deregulate and reformat the tryout legislation to specify that a tryout in which prospective student-athletes demonstrate their athletic abilities at a coach's direction, tryout events and varsity competition against high school or preparatory school teams are impermissible; further, to specify that other physical related activities involving prospects that are not specifically prohibited shall be permissible.

Source: NCAA Division III Presidents Council [Management Council (Interpretations and Legislation Committee)].

Effective Date: Immediate

Advantage: Clarifies the definition of a Prospective Student Athlete as well as the impermissible and permissible athletic activities a PSA is allowed to participate in.

Disadvantage: None.

Recommendation: Strongly Support - the replacement proposal (A) adds/clarifies definition of private lessons and (B) clarifies the application of the tryout legislation by simplifying definitions and examples as well as allowing more institutional autonomy within events that may be considered related activities.

No. 2010-4 RECRUITING AND PLAYING AND PRACTICE SEASONS — TRYOUT EXCEPTION — RECREATIONAL ACTIVITY — EXCEPTION FOR FACILITY MONITORING AS PART OF NORMAL EMPLOYMENT ARRANGEMENT

Intent: To permit an institution's coaching staff member to observe recreational activities of prospective student-athletes and non-organized sport-specific activities of currently enrolled

student-athletes, provided the coach observes these activities while monitoring an institutional facility for purposes of safety and facility security as part of normal employment duties and the facility is not restricted to specific users at the time.

Source: NCAA Division III Presidents Council [(Management Council (Playing and Practice

Effective Date: Immediate

Advantage: Good clean-up by getting rid of issues such as typical DIII coach or administrator performing multiple jobs where the responsibilities between {coach versus recruiter versus facility supervisor} seem in conflict.

Disadvantage: Some potential for abuse if coach is monitoring facility and a student on his/her team shows up to use the facility.

Recommendation: Support

No. 2010-5 PLAYING AND PRACTICE SEASONS — LENGTH OF PLAYING SEASONS — END OF THE FALL AND SPRING NONTRADITIONAL SEGMENTS

Intent: To specify that all practice and competition conducted in the nontraditional segment (fall or spring) shall be completed no later than five weekdays before the first day of the institution's final examination period.

Source: NCAA Division III Presidents Council [Management Council (Playing and Practice Seasons Subcommittee)].

Effective Date: August 1, 2010

Advantage: Provides the student-athlete with opportunities to begin preparation for final exams in a timely manner and allows the institutions on quarter systems greater flexibility in scheduling their nontraditional segments.

Disadvantage: This could make it more difficult for fall non-traditional segments at institutions that are on the quarter system.

Recommendation: Support

No. 2010-6 PLAYING AND PRACTICE SEASONS — FOOTBALL — WALK-THROUGH SESSIONS DURING THE FIVE-DAY ACCLIMATIZATION PERIOD

Intent: In football, to specify that an institution may conduct one one-hour walk-through session per day of the acclimatization period, provided protective equipment (e.g., helmet, shoulder pads) is not worn, equipment related to football (e.g., football, blocking sled) is not used and conditioning activities do not occur. Further, to specify that student-athletes must be provided with at least three hours of continuous recovery time between the end of the on-field practice session and the start of the walk-through session.

Source: American Southwest Conference, Empire 8 and New Jersey Athletic Conference.

Effective Date: August 1, 2010

Advantages: Having the five day walk-through period allows for a teachable moment for new football players. No equipment will be used during the walk-through and there will be at least three hours of continuous recovery time. The time would otherwise be used for classroom instruction that may not be as productive - this proposal would allow student athlete positive and immediate feedback of lessons learned during the practice day. This same practice has been used in DI and DII without an increase in injury.

Disadvantage: This could lead to more inappropriate proposals in the future that attempt to gain more practice time. Football already has a large number of preseason practices including two-a-days. This proposal just adds more time on the field for student athletes.

Recommendation: Weakly Oppose

No. 2010-7 ELIGIBILITY — SEASONS OF PARTICIPATION — HARDSHIP WAIVER — PERCENT CALCULATION

Intent: To specify that a student-athlete's eligibility for a hardship waiver should be determined by a percent calculation using the maximum permissible number of contests or dates of competition for the applicable sport, plus one contest or date of competition.

Source: NCAA Division III Presidents Council [Management Council (Student-Athlete Reinstatement Committee)].

Effective Date: August 1, 2010

Advantage: Standardizes the denominator across the board when used to calculate the fraction of the season the injured player participated.

Disadvantage: This may misrepresent the number of actual games because some schools will have fewer games (by choice) but be charged the same standard number.

Recommendation: Strongly Support.

No. 2010-8 ELIGIBILITY — CRITERIA FOR DETERMINING SEASON OF ELIGIBILITY — MINIMUM AMOUNT OF PARTICIPATION — COMPETITION DURING THE NONTRADITIONAL SEGMENT — BASEBALL, FIELD HOCKEY, LACROSSE, SOCCER, SOFTBALL AND WOMEN'S VOLLEYBALL — ALUMNI CONTEST

Intent: In baseball, field hockey, lacrosse, soccer, softball and women's volleyball, to permit a student-athlete to participate in one date of competition and an alumni contest during the nontraditional segment without using a season of participation.

Source: NCAA Division III Presidents Council [Management Council (Playing and Practice Seasons Subcommittee)].

Effective Date: August 1, 2010

Advantages: Provides opportunities for engaging alumni in a positive atmosphere of competition without impacting student-athletes' eligibility.

Disadvantages: None.

Recommendation: Strongly Support

Proposal 2010-9 PLAYING AND PRACTICE SEASONS — FIRST CONTEST OR DATE OF COMPETITION — EXEMPTED ALUMNI CONTEST

Intent: To permit institutions to conduct the exempted alumni contest at any time during the playing season including prior to the first permissible contest date.

Source: NCAA Division III Presidents Council [Management Council (Playing and Practice Seasons Subcommittee)].

Effective Date: August 1, 2010

Advantages: The sponsors argue that “the alumni contest is an important public relations event for institutions and for keeping alumni connected to the institution. Therefore, institutions should be afforded the maximum opportunity to conduct these events without lengthening the season.” Added flexibility seems to be the primary advantage.

Disadvantages: none

Recommendation: Strongly Support