

FARA Positions on the Proposed DIII Legislation For the 2009 NCAA Convention

Division III Legislative Review Committee

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Note: Revisions to the original Legislative Review Committee position statements were developed at the DIII LRC session held on November 14, 2008 at the FARA Annual Meeting and Symposium in San Diego, CA.

Proposal 2-1 PERSONNEL – CONDUCT OF ATHLETICS PERSONNEL – SPORTS-SAFETY TRAINING

Source: NCAA Division III Presidents Council [Management Council (Student-Athlete Advisory Committee)], New England Women's and Men's Athletic Conference and New England Collegiate Conference

Intent: To specify that each head coach shall be certified in first aid, cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED).

Details: Does not require the certified individual to be present during athletically related activities. Safety and well being of the student athlete are of utmost concern. Applies to the individual designated as the head coach [full time, part time or volunteer]. Purchase of AED not required. DIII grant and initiative funding available.

Effective date: August 1, 2009

Advantages: Helps to strengthen the safety and well being concerns for the student athlete; is less prescriptive to previous proposals; does not mandate attendance at each and every athletically related activity.

Disadvantages: There was some concern about liability issues but those are already a concern with the current situation.

Recommendation: **Strongly Support**. FARA Representatives believe that this continues a commitment to ensuring student-athlete safety.

Proposal 2-2 RECRUITING – TRYOUT EXCEPTIONS – USE OF FACILITIES FOR ACTIVITIES RELATED TO NONSPONSORED SPORT

Source: Wisconsin Intercollegiate Athletic Conference and Capital Athletic Conference Inc.

Intent: To specify that the use of an institution's facilities for physical activities by a group that includes prospective student-athletes shall not be considered a tryout, provided the physical activities are related to a sport that is not sponsored by the institution on the varsity intercollegiate level.

Details: Institution's facilities may be used by a group for physical activity that includes prospective student-athletes in any sport that is not sponsored by the institution at the varsity intercollegiate level.

Effective date: Immediate

Advantages: Institution's may have opportunities for the campus for marketing purposes; this does not impact the intent of current legislation on tryout restrictions; and provides the institution with opportunities for potential fundraising.

Disadvantages: None

Recommendation: **Strongly Support**. Member institutions would find increased opportunities for marketing/fundraising without impacting current regulations on tryout restrictions. FARA recognizes that the 2 sport athlete may have an advantage for recruitment.

Proposal 2-3 RECRUITING – TRYOUT EXCEPTIONS – FACILITY USE BY OUTSIDE ORGANIZATION

Source: New England's Women's and Men's Athletic Conference, Northern Athletics Conference, Commonwealth Coast Conference and Massachusetts State College Athletic Conference

Intent: To establish a tryout exception that allows an institution's athletics department staff members or representatives of its athletics interests to be involved in the conduct and administration of the use of member institution's facilities for physical activities by a group that includes prospective student-athletes under specified conditions.

Details: Under current legislation prohibits coaching staff and other representatives from being present during any physical activities by a prospective student-athlete. This proposal would allow athletics staff members to be involved in those aspects of the activity not related to promotion and solicitation of prospective student-athletes. Additionally, staff members would adhere to current NCAA and institutional policies regarding hosting outside organizations. This proposal would provide additional opportunities for fundraising by the athletics department at the institution. The proposal seeks to create additional opportunities for higher educational institutions and the community for access to facilities. Current legislation allows for staffs to be involved in clinics and existing camps. This proposal would provide an exception to the tryout legislation.

Effective date: Immediate

Advantages: Provides a fundraising opportunity for the institution.

Disadvantages: Proposal provides a recruiting advantage to selected institutions; proposal is too broad and does not cover the many possible scenarios that could occur to provide this advantage.

Recommendation: Oppose. FARA Representatives believe this legislation provides a recruiting advantage to institutions who participate in these events. Also, the scope of the legislation contains language that is subject to broad interpretation.

Proposal 2-4 DIVISION MEMBERSHIP – DEFINITIONS AND APPLICATIONS – EMERGING SPORTS FOR WOMEN – REMOVAL OF ARCHERY, BADMINTON, SYNCHRONIZED SWIMMING, TEAM HANDBALL FROM LIST OF EMERGING SPORTS FOR WOMEN AND ADDITION OF EQUESTRIAN TO LIST OF EMERGING SPORTS FOR WOMEN

Source: Presidents Council [Management Council (Committee on Women's Athletics)]

Intent: In Parts A, B, D, E, F, G, H and J of the proposal, to remove archery, badminton, synchronized swimming and team handball as emerging sports for women and to eliminate other specified legislation associated with these sports, as specified; further, in Parts C and I of the proposal, to add equestrian as an emerging sport for women.

Details: Equestrian is an emerging sport and the adoption of equestrian will allow more opportunities and enhance the student athlete experience.

Effective date: August 1, 2009.

Advantages: These sports are apparently drawing very small numbers in Division III, while equestrian is increasing in popularity. This proposal seems to be mostly a paperwork clean-up for the sports to be dropped, and inserting equestrian into every bylaw where it should appear. Advantage to equestrian students is the protection provided by proper documentation and supervision.

Disadvantages: Schools using the deleted sports may have to revisit gender equity for the number of sports for men and for women.

Recommendation: Strongly Support.

Proposal 2-5 (1-4) ELIGIBILITY – CRITERIA FOR DETERMINING MINIMUM AMOUNT OF PARTICIPATION – COMPETITION DURING THE NONTRADITIONAL SEGMENT – BASEBALL, FIELD HOCKEY, LACROSSE, SOCCER, SOFTBALL, AND WOMEN'S VOLLEYBALL

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

Intent: In the sports of baseball, field hockey, lacrosse, soccer, softball and women's volleyball, to specify that a season of participation shall not be counted when a student-athlete participates in the one date of competition during the nontraditional segment.

Details: The proposed legislation would allow student-athletes to compete in the one date of competition during the nontraditional segment of these sports without using a season of eligibility. These are the only sports that allow only one date of competition in the nontraditional segment.

Effective Date: August 1, 2009

Advantages: The contest in the non-traditional season is not part of the win-loss record for the traditional segment, and it does not count toward championships, so there is no competitive advantage to having athletes play or not play in these contests. In the traditional segment, athletes can practice and participate in scrimmages, as long as they predate the first regular contest, and stop participation without using a season of participation. It does bring greater consistency to the application of the bylaws to both the traditional and nontraditional segments, and it benefits the student athlete.

Disadvantages: Some coaches may use this nontraditional contest as a try-out for a Fall athlete, or recruit an athlete with no intention of having them play the first year but tell them they will have a chance to participate in competition.

Recommendation: Strongly Support.

Proposal 2-6 PLAYING AND PRACTICE SEASONS – ATHLETICALLY RELATED ACTIVITIES – SPECIFIC WORKOUT PROGRAMS

Source: Presidents Council [Management Council (Playing and Practice Seasons Subcommittee)]

Intent: To specify that an institutional staff member may design a voluntary individual-specific workout program for a student-athlete, but may not conduct the individual's workout outside the declared playing season.

Details: Amend bylaw 17.02.1.1(f) to read Individual workouts required or supervised by a member of the coaching staff. ~~Each~~ **An institutional staff member** may design a voluntary (see Bylaw 17.02.13) general individual-workout program for student-athletes (as opposed to a specific workout program for specific days) but cannot conduct the individual's workout **outside the declared playing season;**

Effective date: Immediate

Advantages: This proposal would help to ensure the health and safety of the student-athletes by allowing the out of season workout to be tailored to their specific needs and limitations. This would not change the prohibition against **conducting** out of season workouts, nor would it change the voluntary requirement of all out of season workouts. It would just provide opportunity to give better conditioning plans to the individual student athletes; it is still voluntary for the student-athletes.

Disadvantages: None.

Recommendation: Strongly support.

No. 2-7 (1-5) PLAYING AND PRACTICE SEASONS — GENERAL PLAYING SEASON REGULATIONS — REQUIRED DAYS OFF — ALL SPORTS — CONFERENCE AND POSTSEASON TOURNAMENTS

Intent: To specify that an institution is not required to provide student-athletes one day off per week during conference championships or postseason tournaments.

Source: Wisconsin Intercollegiate Athletic Conference and Capital Athletic Conference Inc.

Effective Date: August 1, 2009

Rationale: Current legislation specifies that all countable athletically related activities are prohibited during one calendar day per week during the playing season with the exception of NCAA championships. The reason for the exception is to accommodate the

travel and practice requirements inherent with NCAA championship competition as well as the unpredictability of advancing in those championships that are comprised of multiple rounds or levels. Conference championships and postseason tournaments share the same travel and practice requirements as well as the unpredictability of whether a team qualifies for the competition itself and/or advances to additional rounds thereby making it extremely difficult and even impractical to insert a day off. Adopting this exception will address these concerns.

Advantage: The student athlete would be able to get another practice day in before the post season tournament.

Disadvantage: A lot of the championships are near finals or the end of a semester and the student athlete needs a day off to balance athletics and academics.

Recommendations: **Strongly Oppose** FARA does not believe it is in the best interest of the student athlete.

No. 2-8 PLAYING AND PRACTICE SEASONS — END OF REGULAR SEASON — ALL SPORTS WITH A FALL NONTRADITIONAL SEGMENT

Intent: To specify that all sports with a nontraditional segment in the fall must complete all practice and competition by the first date of final examinations for the fall term at the institution.

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

Effective Date: August 1, 2009

Rationale: Redefining the conclusion of the fall nontraditional segment by linking it to the academic calendar is consistent with the current legislation for the spring nontraditional segment. Additionally, by changing the end of the fall nontraditional segment from October 30 to a date that coincides with the institution's academic calendar allows institutions on quarter academic calendars the same scheduling flexibility as those on a semester academic calendar. There is no change to the overall week limitation for the playing season.

Advantage: Allows institutions on quarters to have the same scheduling flexibility as institutions on semesters.

Disadvantages: The first date of final examinations for the fall term does not work well with all institutions and may interfere with student athlete studies for final exams.

Recommendations: **Oppose** Allows institutions flexibility but may be detrimental to student athletes trying to study for exams.

No. 2-9 (1-6) PLAYING AND PRACTICE SEASONS — PRESEASON PRACTICE — TRADITIONAL SEGMENT — CROSS COUNTRY, FIELD HOCKEY, GOLF, RUGBY, SOCCER, TENNIS AND WOMEN'S VOLLEYBALL

Intent: In cross country, field hockey, golf, rugby, soccer, tennis and women's volleyball, to establish the date of August 15 as the first permissible date.

Source: New Jersey Athletic Conference and City University of New York Athletic Conference

Effective Date: August 1, 2009

Rationale: The practice opportunities formula is currently used to determine the first permissible practice date for the traditional segments in cross country, field hockey, golf (if the traditional segment is conducted in the fall), rugby, soccer, tennis, and women's volleyball. The current counting formula, which counts back from an institution's first contest or date of competition, is confusing to calculate and often results in misapplication of the rule. This proposal would establish a uniform start date of August 15 which would allow for clear annual planning of the first practice date by institutional athletic departments, student-athletes, coaches and all other campus constituents.

Advantages: Establishes a specific start date. No more calculating dates from the first contest or date of competition.

Disadvantages: Will add one or two days of practice to the current method of counting. Starting practice one or two days earlier would add additional costs.

Rationale: Computer ranking information is used as a tool, and not the ultimate decision-making piece, when selecting Pool B and Pool C teams or seeding for teams for NCAA championships. The proposed legislation would: (1) allow coaches to assist the regional/national committees to ensure that there were no errors in the reporting system (scores reported incorrectly or regional games not properly designated); (2) allow coaches to better understand how their team matched up against other teams in the region throughout the season; (3) help coaches, in particular new and part-time coaches, better understand the NCAA championship selection process; (4) assist coaches who want to improve or strengthen their future schedules; and (5) minimize or eliminate confusion caused by independent Web sites, which attempt to mirror the NCAA data (but often fail).

Advantages: This would allow coaches to access data every week to track their team’s progress.

Disadvantages: The cost of implementing this is estimated to be \$160,000. There is currently no infrastructure to support this activity. DIII selection is still somewhat subjective (there is no strict RPI system) and the data supplied may not reflect the placement of teams in the championships. The NCAA is examining how to make the process more transparent without implementing this legislation.

Recommendation: Strongly Oppose

Voting Numbers for FARA Legislative Review Session

<u>Proposal number</u>	<u>Support proposed legislation</u>	<u>Oppose proposed legislation</u>	<u>Abstain</u>
2-1	27	1	
2-2	28	0	
2-3	5	22	
2-4	29	1	1
2-5	29	0	
2-6	29	0	
2-7	0	27	1
2-8	11	15	2
2-9	22	7	
2-10	26	1	2
2-11	29	0	1
2-12	2	28	2