

FACULTY ATHLETICS REPRESENTATIVES ASSOCIATION

Review of 2007-08 Division III Legislative Proposals to be presented at the January 2008 Convention

The following review of the proposed legislation for the **2008 NCAA National Convention** has been generated following the **FARA Symposium held in November 2007**. The Division III members present at the Legislative Review session discussed each proposal 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 will appear in the Official Notice of the **2008 Convention**, with the numbers in parentheses representing the ordering of the Second Publication of Proposed Legislation.

No. 2-1 ORGANIZATION — EXECUTIVE COMMITTEE — DUTIES AND RESPONSIBILITIES

Intent: This would clarify the Executive Committee's existing authority to adopt and implement policy.

Non-controversial

Recommendation: Support

No. 2-2 (1-1) LEGISLATIVE PROCESS — LEGISLATION — AMENDMENT PROPOSED BY MEMBERSHIP — CO-SPONSORSHIP DEADLINE

Intent: To specify that a proposal submitted by 5 p.m. Eastern time July 15 sponsored by one conference or at least 10 of the 20 individual institutions may be available for co-sponsorship until 5 p.m. Eastern time September 1.

Details: This legislation would still require at least 20 individual institutions or 2 conferences to propose legislation but extend the deadline till September 1. The rationale is that most conferences do not hold spring meetings until late May or early June and the commissioners do not meet as a group to discuss potential legislation until early to mid June, making the window to seek co-sponsors narrow.

Advantages: This legislation would still require broad co-sponsorship but allow conferences and institutions to use the summer months to seek co-sponsors.

Disadvantages: Under this legislation, the National SAAC could be looking at proposals with one conference sponsor during July that may or may not have a co-sponsor by

September 1. If the legislation is important enough and will impact the membership, schools should be able to get co-sponsorship within the current deadline. The current time period of one year should be sufficient.

Recommendation: Oppose

No. 2-3 PERSONNEL — CONDUCT OF ATHLETICS PERSONNEL — SPORTS SAFETY TRAINING

Intent: To specify that at least one individual employed by the institution (including part-time, volunteer or graduate assistant coaches, but not student employees who are not members of the athletics training staff) certified in first aid, cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED) use and familiar with the institution's emergency plan activation policies shall be present at each athletically related activity involving student-athletes.

Details: Safety and well being of student-athletes are of the utmost concern and this proposal helps to strengthen those areas. Division III grant and initiative funding may be used to assist in funding the necessary certification courses. The proposal does not require that an institution purchase an AED (only that an individual certified in AED use is present at athletically related activities).

Advantages: This proposal was sponsored by the National SAAC and will help ensure the safety of student athletes. The cost of an AD is relatively small compared to the benefit.

Disadvantages: None

Concerns: It is not clear how will this be handled by golf and cross-country. It does not appear to increase liability issues since an institution could be sued even with current safeguards.

Recommendation: Strongly support

No. 2-4 (1-2) RECRUITING — DEFINITIONS AND APPLICATIONS — ELECTRONIC TRANSMISSIONS

Intent: To specify that electronically transmitted correspondence that may be sent to a prospective student-athlete is limited to electronic mail and facsimiles (text messages, MySpace and Facebook would be prohibited forms of communication).

Details: The unlimited use of certain forms of electronic communication, such as instant and text messaging, to contact prospective student-athletes has become problematic. Prospective student-athletes are distracted at all hours of the day and night, and their parents are bearing the significant costs involved.

Advantages: This proposal was sponsored by the National SAAC and would stop inappropriate and intrusive communication that incurs significant cost. This legislation would also prohibit the use of any future communication technology.

Disadvantages: None

Recommendation: Strongly support

No. 2-5 (1-3) RECRUITING — PUBLICITY — PROSPECTIVE STUDENT-ATHLETE'S VISIT— ADMISSIONS OFFICE EXCEPTION

Intent: To permit an institution's admissions offices to publicize campus visits of a prospective student-athlete in the same manner all prospect visits are publicized.

Details: To assure that athletics participants are not treated differently from other members of the student body. If admission offices welcome all prospects to campus with publicity such as a marquee or a listing in a campus bulletin, prospective student-athletes should be afforded the same recognition and amenities. With this amendment, admission offices would be permitted to publicize a prospective student-athlete's visit to campus provided the same efforts and arrangements are made for all prospects in general.

Advantages: Student-athletes would be afforded the same recognition as other students or student groups. They would not be eliminated from the lists of visiting students or announcements of visiting groups. This legislation would eliminate the segregation of student-athletes from other prospective students.

Disadvantages: None

Recommendation: Strongly support

No. 2-6 RECRUITING — SPORTS CAMPS AND CLINICS — PRIVATELY OWNED CAMPS AND INSTITUTIONAL CAMPS — EMPLOYMENT OF PROSPECTIVE STUDENT-ATHLETES AND INSTITUTIONAL STAFF MEMBERS

Intent: To permit prospective student-athletes to be employed at privately owned and institutional sports camps and clinics, provided all compensation received is for work actually performed and at a rate commensurate with the going rate in that locality for similar services; further, to permit an institution's athletics department personnel to serve in any capacity in a privately owned camp, clinic or coaching school at which prospective student-athletes are employed, provided the camp or clinic is open to the general public and does not give free or reduced admission privileges to any individual who has started classes for ninth grade.

Details: The original legislation prohibiting an institutional staff member from being involved in a privately owned camp or clinic if a prospective student-athlete is employed

at the camp or clinic is overly restrictive as it relates to the modern structure and logistics of operating a camp or clinic. This legislation permits staff members at Division III institutions to be employed at privately owned camps or clinics, even if those camps or clinics also employ individuals whom have started the ninth grade. Coaches could not work at Elite Camps (student attendance by invitation only).

Advantages: Prospective student athletes may not be aware of NCAA regulations and know if their attendance at these camps is permissible. They should be allowed to work at camps and clinics without unnecessary restrictions. This would further allow more flexibility to coaches and athletics staff for employment at camps or clinics.

Disadvantages: Coaches working consistently with prospective students may give some recruiting advantage.

Recommendation: Support

No. 2-7 ELIGIBILITY — GENERAL ELIGIBILITY REQUIREMENTS — MALE PRACTICE PLAYER ELIGIBILITY — REQUIREMENTS

Intent: To specify that the participation of male practice players in a women's team sport shall be limited to the traditional segment in the sport and one practice per week; further, to specify that the number of male practice players who participate in a particular practice shall not exceed half the number of student-athletes of a typical starting unit in the sport, noting that any computation of half of the starting unit that results in a fractional portion of a player shall be rounded to the next whole number.

Details: The involvement of male practice players has the potential to reduce practice opportunities for women. Female student-athletes could be relegated to the bench in favor of their teammates scrimmaging against males; however, male practice players also enable some women's teams with small rosters to field an appropriate number of players for competitive drills. This legislation is more restrictive than similar proposals last year.

DIII Women's Sports Survey Findings:

77.1% total response to survey; 40.4% utilizing male practice players; Usage was highest in women's basketball (26.2%) and volleyball (12.4%); Role of non-starters went unchanged, for the most part, when male practice players were used; A decrease in squad size did not affect how many male practice players were used; 25% of institutions support elimination of male practice players; 54.9% of institutions support limitations on male practice players; 71.9% of these support limitations in both the number of days a week and the number of male practice players that can be used

Advantages: This revised proposal is sponsored by the National SAAC and provides a good compromise. It allows teams with small rosters to improve and to improve the overall skills of the team.

Disadvantages: Could reduce practice opportunities for women on teams with large rosters.

Recommendation: Support

No. 2-8 ELIGIBILITY — SATISFACTORY — PROGRESS REQUIREMENTS — ONLINE COURSES

Intent: To specify that the use of online courses for purposes of academic standing or satisfactory progress shall be determined by the regulations of the certifying institution as applied to all students, regardless of whether the online courses are taken through the certifying institution or through another institution.

Details: Currently, the use of online courses are treated in the same manner as correspondence courses for purposes of the legislated academic standing and satisfactory progress requirements. The legislation does not allow the use of online courses taken at institutions other than the one in which a student-athlete is enrolled as a full-time student. This legislation will allow the institution and academic authorities who determine the usage of these academic courses for all students to determine if online courses should be used in determining a student-athlete's academic standing or satisfactory progress. Bylaw 14.4.1.4 will be removed by non controversial legislation if this proposal passes.

Advantages: Many institutions accept online courses for academic credit. If an institution deems an online course as worthy of academic credit it should be used for eligibility. Retains DIII philosophy of institution autonomy.

Disadvantages: There is potential for abuse by student athletes taking a large number of online courses to remain eligible, however, the registrar at the institution should address this concern.

Recommendation: Strongly support

No. 2-9 (1-4) AWARDS AND BENEFITS — ACADEMIC AND OTHER SUPPORT SERVICES — SIMILAR SERVICES

Intent: To permit an institution to finance academic and other support services for student-athletes, provided similar services are provided or available to students in general.

Details: Current legislation relating to academic and other support services restricts institutions from providing services and/or conducting programming for student-athletes that is not identical to those available to students generally. This proposed modification would permit institutions and/or conferences to provide student-athletes with programming and/or services that are "similar in nature" to those available to students in general, while at the same time, providing more flexibility for programming that is geared more specifically to the needs and interests of student-athletes.

Advantages: More flexibility in interpretation of services.

Disadvantages: Potential for abuse by opening the door for interpretation of the word “similar”. May further segregate athletes from other students and go against the DIII philosophy of integration with other students on campus.

Recommendation: Strongly oppose

No. 2-10 PLAYING AND PRACTICE SEASONS — COUNTABLE ATHLETICALLY RELATED ACTIVITIES — STRENGTH AND CONDITIONING COACH

Intent: To specify that a strength and conditioning coach who is also a coaching staff member for one of the institution's intercollegiate teams may monitor voluntary individual workouts without such workouts being considered athletically related activities only if that staff member performs monitoring duties for all student-athletes using the facility at that time.

Details: This proposal addresses concerns regarding the practice of designating multiple coaches, even multiple coaches from the same sport, as "strength and conditioning" coaches resulting in the monitoring of voluntary individual workouts of student-athletes they coach. The proposal ensures that the individual who is monitoring the workouts of any student is able to provide safety oversight for student-athletes involved in the workout.

Advantages: Ensure safety of student-athletes by allowing coaches to help with strength and conditioning activities and treating student-athletes the same as non student-athletes.

Disadvantages: Potential for abuse if not monitored.

Recommendation: Strongly support

No. 2-11 (1-5) PLAYING AND PRACTICE SEASONS — GENERAL PLAYING SEASON REGULATIONS — MAKE-UP CONTESTS DURING CONFERENCE POSTSEASON EVENTS

Intent: To permit an institution to "make up" a conference postseason contest that has been suspended or canceled due to weather or other unforeseen circumstances provided the contest is necessary to determine the conference champion or automatic qualifier to the NCAA championship.

Details: Currently, it is not permissible for institutions to extend the playing season (even by one day) to complete contests that have been suspended or canceled and are used to determine the conference champion or automatic qualifier to the NCAA championships. The proposed amendment would allow for the extension of the playing season in those

instances in which the canceled or suspended contests are necessary to determine a conference champion and/or automatic qualifier to the NCAA championships.

Advantages: Allows conferences to complete their championships during inclement weather. Conferences would still have to name the champion by the Monday after the end of the playing season so the season could not be lengthened more than one or two days.

Disadvantages: Lengthens playing season.

Recommendation: Support

Proposal 2-12 PLAYING AND PRACTICE SEASONS – BASKETBALL – FIRST CONTEST DATE

Intent: To change the date that an institution plays its first game from the first Friday prior to Thanksgiving to the specific date of November 15.

Details: Under the current bylaws an institution shall not play its first contest (game or scrimmage) against outside competition in basketball before the Friday immediately before Thanksgiving.

Effective date: August 1, 2008.

Advantages: Allows for a consistent preseason practice period each year.

Disadvantages: May require some student athletes to miss an additional day of classes at the beginning of the season if first contest is played on any other day than Friday. Changing the first contest could lead to a midweek game which could cause student athletes to miss an additional class. The week before Thanksgiving may be a big week for exams on some campuses.

Recommendation: Strongly oppose

Proposal 2-13 PLAYING AND PRACTICE SEASONS – PRESEASON PRACTICE- TRADITIONAL SEGMENT – CROSS COUNTRY, FIELD HOCKEY, GOLF, RUGBY, SOCCER, TENNIS AND WOMEN’S VOLLEYBALL

Intent: To permit cross country, field hockey, golf, rugby, soccer, tennis and women’s volleyball, to eliminate the requirement that an institution calculate its first permissible date of practice by counting practice opportunities from September 1 when the first scheduled intercollegiate contest occurs prior to September 1.

Details: Under the current bylaws the seven sports above must declare their preseason as

beginning on the date that allows 16 practices prior to September 1 or later if its first scheduled contest is after September 1, using the criteria set forth in the bylaws.

However, if its first contest is scheduled prior to September 1 the teams will be allowed fewer practices than those teams starting on or after September 1 due to the requirement that the teams use the later of September 1 or their first contest.

Advantages: Allows those institutions scheduling their first contest prior to September 1 to have the same number of practices prior to the first contest as those starting their season on or after September 1. Eliminates the advantage of teams starting their seasons on or after September 1 of having at least two additional practice dates.

Disadvantages: There would be a disadvantage to those institutions that do not allow their student athletes to be on campus prior to classes starting. Would encourage coaches to start as early as possible.

Recommendation: Strongly oppose

Proposal 2-14 COMMITTEES – ASSOCIATION-WIDE COMMITTEES – GENERAL COMMITTEES – COMPETITIVE SAFEGUARDS AND MEDICAL ASPECTS OF SPORTS – TERM OF OFFICE,

Intent: To permit the chair of the Committee on Competitive Safeguards and Medical Aspects of Sports to exceed the four-year term limit provided the individual becomes the committee chair with only one year or less remaining on his or her four-year term.

Details: Under current legislation there is a four-year term limit. This proposal would allow to exceed this term limit as long as the individual meets the proposed legislative criteria.

This legislation will be non-controversial.

Proposal 2-15 EXECUTIVE REGULATIONS – AUTOMATIC QUALIFICATION – ADDITIONAL REQUIREMENTS – SINGLE SPORT CONFERENCES

Intent: To permit an existing single sport conference to maintain its eligibility for Automatic Qualification (AQ) to national championships if it was in existence before February 1, 2007 if it maintains a membership of at least seven active members instead of requiring a minimum of its original members as currently applied.

Details: Under current legislation, at least 50 percent of a conference members must sponsor a minimum of three men's and three women's team sports. An exception to this

rule applies to single sport conferences in existence before February 1, 1998. As of August 1, 2003, single sport conferences in existence before February 1, 1998 must maintain its original members.

This legislation will be withdrawn.

Proposal 2-16 EXECUTIVE REGULATIONS – AUTOMATIC QUALIFICATION – ADDITIONAL REQUIREMENTS – SINGLE SPORT CONFERENCES

Intent: To permit an institution that was a provisional member prior to August 1, 2007, who has completed year one of provisional membership and any institution that will become a provisional member after August 1, 2007, to count towards the requirement of seven institutions sponsoring a sport in order for a conference to be eligible for Automatic Qualification (AQ).

Details: Under current legislation, a conference must have the following to be considered eligible for AQ:

Been a multi-sport conference with a minimum of seven *active* institutions sponsoring the specified sport on a varsity intercollegiate basis *and that are eligible for the NCAA Div III championship*. Those seven institutions must have belonged to the multi-sport conference for minimum of two years in order for the conference to be immediately eligible for AQs. An institution that has belonged to the multi-sport conference for at least two years may add the specified sport for the conference to reach the minimum of seven institutions and to be immediately eligible for an AQ. If a new institution joins the particular sport, the conference is subject to a two-year waiting period to become eligible for the AQ.

Advantages: Allows those conferences with less than seven active NCAA institutions that are eligible for NCAA DIII championships to become eligible for AQs with the addition of institutions with less than active status.

Disadvantages: Potential for non-active institution counted toward the seven member criteria to still be carrying scholarship athletes which would give an advantage to that conference over other fully compliant conferences with no scholarship athletes. The current legislation associated with this rule has been implemented in good faith to prevent any undue advantages be received by conferences not meeting the criteria for AQs. There are procedures in place for institutions to request waivers per (31.3.4.4 (c)) if a conference feels waiver of this rule is applicable.

Recommendation: Strongly Oppose

