

2022 FARA DIII LRC Legislation Description and Pro/Con List

Members of the Committee:

JoAnne Bullard, Jay Corrigan, Barbara MacLeod, Rodney Miller, Sara Shoffner and Jessica Velasco

No. 2-1 LEGISLATIVE AUTHORITY AND PROCESS -- CONVENTIONS AND MEETINGS -- STUDENT-ATHLETE ADVISORY COMMITTEE VOTING PRIVILEGES

(FARA- Strongly Support)

Intent: To provide the Student-Athlete Advisory Committee one vote at the Division III Business Session of the NCAA Convention.

Background/Rationale: This proposal supports and enhances Division III's commitment to the inclusion of the student-athlete voice. The Student-Athlete Advisory Committee undertakes an extensive legislative review process, collecting feedback from campus and conference Student-Athlete Advisory Committee representatives, in order to establish a national position on all pieces of proposed Convention legislation. This position is taken on behalf of the division's more than 200,000 student-athletes. Committee members currently serve as nonvoting delegates at the NCAA Convention, communicating a national student-athlete position on legislative matters. In addition to providing valuable insights on legislation, obtaining one vote at the Convention business session will ensure that student-athletes are empowered and able to act on decisions that directly impact student-athletes. Further, this vote demonstrates the division's commitment to engaging student-athletes in its governance process and supports not only the Division III philosophy, but the spirit of the amended NCAA Constitution.

Pro:	Con:
The national SAAC reps who attend legislative discussions at FARA meetings are impressive. They're familiar with the details of proposed legislation, and they understand student-athlete opinion and how the proposals will affect student-athletes in ways that administrators don't. -JRC	Talking with student-athletes at my institution, they were surprised to learn that SAAC doesn't already get to vote on proposed legislation. Their only concern about this proposal was that giving just one vote to the hundreds of thousands of student-athletes who compete in Division III might be disheartening. -JRC
We are, of course, all here to promote the well-being of student-athletes. Giving student-athletes a formal voice in the business session is consistent with that mission. -JRC	Concern over student-athletes only having one voice

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No. 2-2 RECRUITING -- SOCIAL MEDIA -- ALLOWING PUBLIC COMMUNICATION AFTER JANUARY 1ST OF SENIOR YEAR IN HIGH SCHOOL

(FARA- Strongly Support)

Intent: To change the date when institutions may have public communications via social media with prospective student-athletes that have deposited, from May 1st to January 1st of their senior year in high school; and clarify that the content of the public communication with the prospective student-athlete is not subject to the publicity limitations (e.g., the public communications may include discussions about campus visits, commitment to attend the institution or acceptance to an institution)

Background/Rationale: Regulations regarding the use of social media continue to be a subject of debate. Monitoring can be difficult; and education can be challenging given the evolving nature of social media. Current legislation may unnecessarily restrict opportunities for meaningful recruiting conversations. However, complete deregulation raises concerns regarding the appropriateness of interactions and potentially places further demands on PSAs and coaching staffs. This proposal reflects a balancing of concerns expressed by administrators, coaches' associations and Division III National Student-Athlete Advisory Committee. By establishing a firm date after deposit and not restricting content, it reduces the need to monitor these interactions during this period. Coaches could engage on social media without the pressure of engaging in these interactions with as large a recruiting pool if such public communication was allowed earlier or with a broader population. The proposed deregulation would permit coaches to engage with PSAs in the latter half of their senior year when those students are more aware of the recruiting process generally and better equipped to manage such conversations. This proposal Date Printed: 10/06/2022 2 represents a limited approach to deregulation that provides coaches and PSAs greater latitude to interact within a limited, but important, window of time.

Pro:	Con:
Talking with my AD, I get the impression some coaches feel like this will raise a program's profile on social media, which could help with future recruiting. -JRC	Discussing this with student-athletes at my institution, attitudes ranged from neutral to negative. No one wished that they'd been able to have deeper social media ties with their soon-to-be college coach during the spring of the senior year in high school. -JRC
Noting that "By establishing a firm date <u>after deposit...</u> " you are able to connect with a student who is already committing to your institution with a deposit, allowing the coaching staff to begin building a better relationship with some restrictions. REM	This has the potential to be time consuming for coaches. I worry that this is still another example of a proposal that will mean student-athletes and coaches will devote more time and energy to athletics, but since all schools are doing it, no one gets a competitive advantage. (This is the classic Prisoner's Dilemma from game theory.) I generally oppose these kinds of proposals. -JRC

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No. 2-3 (1-1) PLAYING AND PRACTICE SEASONS -- FALL PRESEASON PRACTICE FORMULA -- SPORTS OTHER THAN FOOTBALL -- PRESEASON ACCLIMATIZATION FOR FALL SPORTS

(FARA- Strongly Support)

Intent: To amend the preseason legislation for all fall sports, except football and men's water polo, as follows (1) to calculate the first permissible start date by counting back 18 days; (2) require an acclimatization period during the first seven days during preseason practice; (3) require one day off of physical activity per defined week of the preseason, including the acclimatization period; and (4) require all student-athletes, including those who arrive to preseason practice after the first day of practice to undergo the seven-day acclimatization period.

Background/Rationale: There was a great emphasis on the guidelines within the NCAA's Prevention of Catastrophic Injury and Death in Collegiate Athletes document over the course of the 2020-21 academic year as teams faced more and longer periods of inactivity than ever before. As we now return to more usual seasons of play, there is a recognition that current legislation for the fall sport preseason practice period makes it more difficult for teams to implement the important health and safety guidelines laid out in the NCAA Prevention of Catastrophic Injury and Death in Collegiate Athletes document - except in the sports of football and men's water polo. The proposed changes incorporate additional structure and time for all institutions to equitably implement the guidelines, in place since 2018-19, into the preseasons for all other fall sports through structured acclimatization periods. The proposed changes also help limit risk to institutions by providing the space to meet the guidelines published by the NCAA. Additionally, the structure of the preseason days may allow some flexibility for incoming student athletes to participate in important orientation activities along with the rest of the incoming students.

Pro:	Con:
Preseason guidelines are established that limit certain activities and can allow for acclimatization to school and sports. Allowable activities are clearly stated for days 1-7, including start dates dictated by start of the season.	First practice cannot be before 18 days of the first scheduled competition. Football is excluded so this doesn't seem to have an impact on sports where their first practice would need to be before school starts.
Clear guidelines that are now extended to more sports and seek to protect and ensure safety of all student-athletes.	Strict acclimatization guidelines for days 1-4 and 5-7 as well as start dates that will need to be closely monitored for compliance purposes.

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No. 2-4 PLAYING SEASONS -- ELIMINATING WEEKS AS THE MEASUREMENT FOR A SEASON AND ESTABLISHING A NEW PLAYING SEASONS STRUCTURE

(FARA- Support: this vote was taken after voting on which proposal 2-4 or 2-5 should be voted on first. FARA strongly supported voting on 2-4 first)

Intent: To restructure the playing and practice seasons for all sports (except football) as follows: (1) eliminate using "weeks" as a measure for defining the seasons; (2) establish the fall and spring traditional segments by a start and end date; (3) increase the nontraditional segment interaction for fall and spring sports from 16 to 24 days; (4) measure the winter sports season by 114 days, with flexibility to use eight of those days before or after the season; and (5) measure period sports (golf, rowing and tennis) seasons by 114 days.

Background/Rationale: The current playing and practice seasons structure was established in 2004 and has been subject to multiple reviews since its adoption. The Division III Interpretations and Legislation Committee was charged with conducting the most recent review and engaged in extensive membership outreach which included coaches associations, the Division III Commissioners Association, NADIIIA and other affiliate groups. The concepts reflected in this recommendation do not address all concerns expressed by the membership and the committee acknowledged that additional future changes may be necessary. However, this proposal offers an alternative to the existing framework that would provide more flexibility to interact with student-athletes outside the traditional season while still upholding philosophical tenets of Division III regarding the appropriate balance of academics, athletics and additional collegiate opportunities. This proposal offers a less rigid approach to the traditional segment by eliminating the weeks' structure without increasing the monitoring burden on member institutions. The recommendation also provides flexibility to implement consensus health and safety standards. For these reasons the proposal reflects positive change for member institutions and their student-athletes.

Pro:	Con:
Under the "weeks" model, any time even one day was used in the week by working with one student athlete, the entire week was considered spent. This would also apply if the school was only in session for one or two days that week and no practices were held on other days, the entire week was spent. This legislation avoids these situations. One day off in every 7 is still required. Days for NCAA championships are in addition to the number specified, as the end date for each season will most likely be the date of championship selection. - BAM	Might be considered by some to be an "easier to cheat" model - BAM (but from Rodney's comment during call!)

Increased flexibility for determining how much time to spend during in-season versus non-traditional. - BAM	Tracking days might seem onerous to some, although this is currently done for some other sports like track & field and swimming & diving.
Increases days for non-traditional fall and spring seasons from 16 to 24 and allows for coaches to spend some of those days doing activities practicing. - BAM	By counting days instead of weeks, coaches may significantly extend the non-traditional schedule by only scheduling one or two practice days per week shortening an athlete's non-traditional break. REM

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No. 2-5 (1-2) PLAYING AND PRACTICE SEASON -- GENERAL PLAYING SEASON-DEFINING PLAYING AND PRACTICE SEASON NON-CONSECUTIVE DAYS

(FARA- Oppose)

Intent: The intent of this proposal is to be more permissible and flexible to enhance the overall student experience by allowing for a total of 114/144 days of athletically related contact with their coaching staff. These would be days that do not have to be consecutive in nature but must include at least one day off from activity/contact each week.

Background/Rationale: Coaches are often more influential in the lives of their own student-athletes while at college. This legislation returns us to the temporary legislation of the COVID years and allows for a more flexible and more permissible approach to managing the entire season. We believe that in addition to enhancing the student athletes overall experience in college, it will also aid in the retention of younger, more vulnerable student-athletes.

Pro:	Con:
Every sport is allocated the same number of days (114) except for schools that have both indoor and outdoor track & field (144). - BAM	Tracking days might seem onerous to some, although this is currently done for some other sports like track & field and swimming & diving. -BAM
Similar to proposal 2-4, we move away from the "weeks" model, which said that any time even one day was used in the week by working with one student athlete, the entire week was considered spent. This would also apply if the	

<p>school was only in session for one or two days that week and no practices were held on other days, the entire week was spent. This legislation avoids these situations. One day off in every 7 is still required. Days for NCAA championships are in addition to the number specified. - BAM</p>	
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No. 2-6 DIVISION MEMBERSHIP -- ESTABLISHING STUNT AS AN EMERGING SPORT FOR WOMEN

(FARA- Strongly Support)

Intent: To add stunt as an emerging sport for women and establish legislation related to playing and practice seasons and membership.

Background/Rationale: The sport continues to grow at the club, high school and collegiate levels, and the proposal is supported by the sport's national governing body. Further, the cost of sponsoring the sport is low and provides an opportunity for enriching member institutions' enrollment management strategies. Stunt provides opportunities for participants with diverse sport backgrounds (e.g., powerlifting, gymnastics) and female sport administrators, coaches, and officials. The sport's national governing body demonstrated that current stunt programs are fully integrated into institutional athletics departments as stand-alone programs, that the experience of a stunt student-athlete is comparable to the experience of student-athletes who compete in NCAA sports, and the sport's organizational structure and rules are consistent with NCAA values and legislation.

Pro:	Con:
Counts towards sport sponsorship	Struggled to find a true negative for this proposal
Provides women another opportunity to participate in sports	

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No. 2-7 DIVISION MEMBERSHIP -- CONDITIONS AND OBLIGATIONS OF MEMBERSHIP -- ELIMINATION OF INSTITUTIONAL AND CONFERENCE SELF-STUDY GUIDE SUBMISSION REQUIREMENTS

(FARA- Strongly Support)

Intent: To eliminate the requirement for active member institutions and active multisport conferences to submit a comprehensive self-study guide at least once every five years.

Background/Rationale: The adoption of a new Constitution at the 2022 NCAA Convention afforded Division III with the autonomy to determine, among other things, what it means to be an active member. The Division III membership clearly directed, through both the 2022 membership survey and a request by 31 conferences, that the institutional self-study guide (ISSG) and conference self-study guide (CSSG) requirements be eliminated for active members. The immediate effective date ensures institutions that had previously received a deadline extension through May 31, 2023, are also covered under the legislative change. Provisional and reclassifying institutions will still be required to complete an ISSG as part of the three-year provisional or reclassifying membership process, and new multisport conferences will still be required to submit a CSSG as part of the application and review process. Additionally, the self-study guides will remain available as resources for institutions and conferences to utilize at their own discretion.

Pro:	Con:
YAY! Turns out no one at the NCAA even looked at these so there was no oversight provided by doing these so elimination won't create any more problems than otherwise. - BAM	None... - BAM
Save lots of time and energy of athletics personnel. - BAM	

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No. 2-8 DIVISION MEMBERSHIP -- PROVISIONAL MEMBERSHIP -- APPLICATION PROCESS -- APPLICATION FOR MEMBERSHIP -- REQUIRE CONFERENCE MEMBERSHIP

(FARA- Strongly Support)

Intent: To require an institution to have a bona fide invitation from an active Division III conference before applying for Division III membership and maintain a conference affiliation during the Division III membership process.

Background/Rationale: This recommendation will assist applicant institutions in finding a home with a Division III conference and will promote long-term stability of Division III institutions and conferences. Independent institutions often face challenges with scheduling, finances and championship opportunities that could be alleviated by conference membership. This recommendation increases the likelihood that institutions will operate successful, competitive programs in Division III and ensures that conferences are committed to providing a conference home to institutions in the membership process. It also supports an optimal student-athlete experience by providing student-athletes access to a conference student-athlete advisory committee, conference grant programs, conference championships, and post season honors.

Pro:	Con:
It seems to be supportive of the need to successfully build programs within DIII	Could have a conference member that leaves the conference and “messes up” the conference schedule requiring the need for adjusting the overall playing schedules. Could impact the student-athlete experience
Having this required would assist in enhancing the overall student-athlete experience and provide appropriate access	
Having a solid schedule benefits student-athletes	

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No. 2-9 COMMITTEES -- DIVISION III COMMITTEES, PRESIDENTS COUNCIL AND MANAGEMENT COUNCIL -- AMEND COMPOSITION AND REPRESENTATION

(FARA- Support)

The following is the breakdown of information regarding how FARA voted:

- 1. FARA supported voting on the Governance proposal to be voted on first**
- 2. FARA supported the first part of 2-9**
- 3. FARA strongly supported the second part of 2-9**

Intent: To adjust the composition of the NCAA Division III Presidents Council, Management Council and six designated governance committees to provide the following: (1) representation from each active

multi-sport conference on either Presidents or Management Council; (2) consistency in size and regional representation on designated committees; and (3) a student-athlete voice on governance committees where such representation is not currently present.

Background/Rationale: Feedback from various membership groups, including the 2022 Division III Membership Survey, indicated a desire to review the composition and representation of the current Division III governance structure. This recommendation considers the division's highest governance bodies, the President and Management Councils, as well as six governance committees that are integral to the division's overall operation. The recommendation Date Printed: 10/06/2022 27 addresses membership concerns by providing greater geographic and conference representation and composition consistency across committees that shape the direction of Division III.

Pro:	Con:
Would provide a well-rounded approach to this group	Would student-athletes satisfy the role since they count as members from specific areas
Increases size from 41 to 48 members	
The committees would require 1 FAR on each	

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No. 2-10 (1-5) COMMITTEE -- NOMINATING COMMITTEE -- COMPOSITION -- AMEND COMMITTEE'S COMPOSITION

(FARA- Strongly Oppose)

Intent: To amend the composition of the Nominating Committee to include at least one member from each of the 10 regions (based on sport committee regions model) to cultivate more committee nominations and appointments representative of the membership.

Background/Rationale: This committee structure will increase the number of nominations for all committees and better serve the entire membership. Having at least one representative from each sport committee region creates a structure that will increase the number of nominations. This model creates a natural protocol for the Nominating Committee representative to regularly communicate with their

region ADs and commissioners regarding vacancies and nominations. Institutions and conferences will also have the benefit of knowing precisely who their representative is on the Nominating Committee, further encouraging and improving the entire process. Moreover, this will ensure more equitable conference representation on all NCAA Committees creating a governance structure reflective of the diversity of the membership.

Pro:	Con:
More representation and perspectives from regions and sports.	Could be harder to find representation from all regions.
	Does not guarantee FAR

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**No. 2-11 (1-4) COMMITTEES -- PRESIDENTS AND MANAGEMENT COUNCILS -- COMPOSITION --
CONFERENCE BASED REPRESENTATION
(FARA- Support)**

Intent: To ensure the following: that each Division III multi-sport conference will have one representative on either Presidents or Management Council and that the conference's slot on either will alternate accordingly; the Nominating Committee will coordinate nominations for Management Council and Presidents Council; and, if a conference is unable to secure nominees for either council its slot will go unfilled unless the council is smaller than 18 members in which case an at-large selection will be made from the group of nominees from conferences not currently represented on the respective council, including nominees from independent institutions.

Background/Rationale: This change will provide for improved and consistent representation for the Division III membership. It will ensure broad representation and the most diverse perspective at all times. By establishing a rotation this will be a fair and transparent process for all member institutions to be part of the two highest Councils in the Division III governance structure. The rotation allows for simplified planning and representation with the ability for member institutions to anticipate when terms end and engage the necessary bodies within their conference to determine the slate of candidates to put forth. This change establishes a Council of an estimated 22 individuals serving on each and should be adjusted if additional conferences join Division III. If an individual resigns or is no longer connected to

that conference, the member institutions of that conference will be responsible for submitting replacement options for the Nominating Committee to consider.

Pro:	Con:
More representation across conferences, including SAAC representation. Committee can have a range from 18 to 22 members so will allow for some flexibility in terms of filling the committee.	Spots could go unfilled and representation may not be met across all conferences. Proposal includes service and term limits that must be met in addition to regional requirements.

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