

# **Proposal No. 2010-7 (NO. 2-4) ELIGIBILITY -- SEASONS OF PARTICIPATION -- HARDSHIP WAIVER -- PERCENT CALCULATION (III)**

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Item Ref: 7

Educational Column:

**Effective Date:** August 1, 2010.

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

**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.

**Note:** This proposal in the Official Notice is different than the version included in the 2010 NCAA Convention Division III Second Publication of Proposed Legislation (SPOPL). The proposal that appeared in the SPOPL inadvertently deleted language referencing the contests that must be included in the numerator. Deleting that language was unintended and would have left the legislation without clear meaning. Additionally, the rationale statement of the proposal indicated that student-athlete well being is fostered by allowing a consistent denominator for student-athletes regardless of the institution's scheduling patterns. To be consistent with this rationale, the denominator must be standard for both the one-third provision as well as the first half of the season provision of the hardship waiver. This was not reflected in the original drafting of the proposal but has now been clarified in the final form of the proposal. Thus, the final form of the proposal included in the Official Notice reflects the standard denominator for both provisions.

**Question No. 1:** Would the new standard described in the proposal apply to injuries that occur before August 1, 2010?

**Answer:** Yes. During its December 2009 meeting, the NCAA Division III Committee on Student-Athlete Reinstatement indicated that all current student-athletes should benefit from this proposal if adopted. Therefore, it would be permissible to use either the new standard or the old standard for injuries or illnesses that occur prior to August 1, 2010. Only the new standard would apply, however, to injuries that occur on or after August 1, 2010.

**Question No. 2:** If this proposal is adopted, what rules would apply to a student-athlete who transfers to a Division III institution from a non-NCAA institution or from an NCAA Division I or II institution?

**Answer:** If the proposal is adopted, the new rules would only apply to a student-athlete who suffers an incapacitating injury or illness at a Division III institution on or after August 1, 2010. A student-athlete who suffers such an injury or illness at another institution, even after this date, is subject to the rules of the applicable athletics association (e.g., NJCAA, NAIA) or NCAA division (i.e., Division I, Division II) of which the institution is a member.

**Question No. 3:** Does this proposal change how preseason scrimmages and exhibitions should be counted for hardship waiver purposes?

**Answer:** Under this proposal, all institutions will use a standard denominator in their calculations that is based on the maximum number of contests or dates of competition permitted per sport plus one (except cross country which is plus two), regardless of an institution's scheduling of preseason scrimmages or exhibitions. For the purposes of determining the numerator (e.g., the actual number of contests or dates of competition a student-athlete participated or the contest or date of competition in which the injury occurred), preseason scrimmages or exhibitions are not counted under the current rule or the proposal.

**Question No. 4:** Under the proposal, what is the standard for each sport?

**Answer:** The following chart shows for each sport:

(1)The standard denominator used (i.e., maximum contests or dates of competition plus one).

(2)The standard calculations for the first half of the traditional playing season. Please note the difference between those sports that have an odd number in the standard denominator column (e.g., baseball) compared to those that have an even number (e.g., men's basketball).

Odd number -- standard denominator. For these sports, the injury or illness must occur prior to the *start* of the contest listed. For example, in baseball, the injury or illness must occur prior to the start of the 21<sup>st</sup> contest. If the injury or illness occurs after the 21<sup>st</sup> contest has started, then the student-athlete would not be eligible for a hardship waiver.

Even number -- standard denominator. For these sports, the injury or illness must occur prior to *completion* of the contest listed. For example, in men's basketball, the injury or illness must occur prior to the end of the 13<sup>th</sup> contest. If the injury or illness occurs after completion of the 13<sup>th</sup> contest, then the student-athlete would not be eligible for a hardship waiver.

(3)The number that equals one-third of the permissible contests or dates of competition. If a student-athlete is injured or becomes ill after participating in more than one-third of the contests or dates of competition as set forth below, then the student-athlete is not eligible to receive a hardship waiver.

Sport	(1) Standard Denominator*	(2) First Half of Playing Season	(3) One-third of Contests or Dates of Competition
Baseball	41	Prior to start of the 21 <sup>st</sup> contest	14
Men's Basketball	26	Prior to completion of the	9

		13 <sup>th</sup> contest	
Women's Basketball	26	Prior to completion of the 13 <sup>th</sup> contest	9
Women's Bowling	27	Prior to completion of the 13 <sup>th</sup> date of competition	9
Men's Cross Country	11#	Prior to start of the 6 <sup>th</sup> date of competition	4
Women's Cross Country	11#	Prior to start of the 6 <sup>th</sup> date of competition	4
Men's Fencing	12	Prior to completion of the 6 <sup>th</sup> date of competition	4
Women's Fencing	12	Prior to completion of the 6 <sup>th</sup> date of competition	4
Field Hockey	21	Prior to start of the 11 <sup>th</sup> contest	7
Football	11	Prior to start of the 6 <sup>th</sup> contest	4
Men's Golf	21	Prior to start of the 11th date of competition	7
Women's Golf	21	Prior to start of the 11 <sup>th</sup> date of competition	7
Men's Gymnastics	14	Prior to completion of the 7 <sup>th</sup> date of competition	5
Women's Gymnastics	14	Prior to completion of the 7 <sup>th</sup> date of competition	5
Men's Ice Hockey	26	Prior to completion of the 13 <sup>th</sup> contest	9
Women's Ice Hockey	26	Prior to completion of the 13th contest	9
Men's Lacrosse	18	Prior to completion of the 9 <sup>th</sup> date of competition	6
Women's Lacrosse	18	Prior to completion of the 9 <sup>th</sup> date of competition	6
Men's Rifle	14	Prior to completion of the 7 <sup>th</sup> date of competition	5
Women's Rifle	14	Prior to completion of the	5

		7 <sup>th</sup> date of competition	
Women's Rowing	21	Prior to start of the 11 <sup>th</sup> date of competition	7
Women's Rugby	11	Prior to start of the 6 <sup>th</sup> contest	4
Men's Skiing	17	Prior to start of the 9 <sup>th</sup> date of competition	6
Women's Skiing	17	Prior to start of the 9 <sup>th</sup> date of competition	6
Men's Soccer	21	Prior to start of the 11 <sup>th</sup> contest	7
Women's Soccer	21	Prior to start of the 11 <sup>th</sup> contest	7
Softball	41	Prior to start of the 21 <sup>st</sup> contest	14
Women's Squash	16	Prior to completion of the 8 <sup>th</sup> date of competition	6
Men's Swimming and Diving	17	Prior to start of the 9 <sup>th</sup> date of competition	6
Women's Swimming and Diving	17	Prior to start of the 9 <sup>th</sup> date of competition	6
Men's Tennis	21	Prior to start of the 11 <sup>th</sup> date of competition	7
Women's Tennis	21	Prior to start of the 11 <sup>th</sup> date of competition	7
Men's Track and Field (Indoor)	19	Prior to start of the 10 <sup>th</sup> date of competition	7
Men's Track and Field (Outdoor)	19	Prior to start of the 10 <sup>th</sup> date of competition	7
Women's Track and Field (Indoor)	19	Prior to start of the 10 <sup>th</sup> date of competition	7
Women's Track and Field (Outdoor)	19	Prior to start of the 10 <sup>th</sup> date of competition	7
Men's Volleyball	29	Prior to start of the 15 <sup>th</sup> date of competition	10
Women's Volleyball	23	Prior to start of the	8

		12 <sup>th</sup> date of competition	
Water Polo	22	Prior to completion of the 11 <sup>th</sup> date of competition	8
Wrestling	17	Prior to start of the 9 <sup>th</sup> date of competition	6

\* = Maximum number of contests or dates of competition plus one pursuant to new Bylaw 14.2.5-(b) in the proposal.

# = Maximum of nine dates of competition (Bylaw 17) plus two dates of competition pursuant to new Bylaw 14.2.5.2.5.3 in the proposal.

**Question No. 5:** For the first half of the season calculation, why is there a distinction between injuries or illnesses occurring prior to *completion* of a contest and injuries occurring prior to the *start* of a contest based on whether the standard denominator is odd or even?

**Answer:** Under both the current rule and the proposal Bylaw 14.2.5-(a) requires that the injury or illness must occur prior to completion of the contest marking the first half of the season. The calculation is easy if the denominator is an even number because the denominator can be divided into two equal halves (e.g., denominator of 18 can be divided into two equal halves of nine). If, however, the denominator is an odd number, that calculation becomes problematic as an odd number cannot be divided into two equal halves. For that reason, Bylaw 14.2.5.2.3 under the current rule (and unchanged under the proposal) addresses this situation. Bylaw 14.2.5.2.3 states that to determine the first half of the season in a sport with an odd number of contests (denominator) the injury or illness must occur prior to the contest marking the beginning of the second half of the season. The chart in question No. 4 references this distinction for each sport.

**Question No. 6:** How does the proposal apply to the following examples in the sport of softball?

#### Softball

1. 40 = Maximum contests per Bylaw 17.20.5.1.
2. 41 = Maximum contests plus one.
3. 24 = Minimum number of contests per Bylaw 20.11.3.5 to meet sport-sponsorship requirements.
4. 20 = The first 20 contests establish the first half of the season. Participation in contest number 21 would be in the second half of the season.
5. 14 = One-third (or 33 percent) of 41 contests (13.7 rounded up to 14).

Institution A = Softball

1. Institution schedules 40 contests.
2. Student-athlete participates in the first 14 contests of the traditional segment.

#### Institution B = Softball

1. Institution schedules 24 contests.
2. Student-athlete participates in the first 14 contests of the traditional segment.

#### **Answer:** Institution A

This institution scheduled 40 contests which is the maximum number permitted in softball. Under this proposal, the number used in the denominator of the hardship waiver calculation is 41 which is the maximum number of contests permitted in the sport plus one. Since the student-athlete in the example participated in 14 contests, which is equal to one-third (or 33 percent) of 41 contests, and they occurred during the first half of the season (or prior to contest number 21), this student-athlete is able to receive a hardship waiver assuming the remaining parts of the legislation are satisfied. Therefore, for this institution, the application of the hardship waiver legislation is the same under both the current rule and the proposal.

#### Institution B

This institution scheduled 24 contests which is the minimum number required to meet sports sponsorship in softball. Under this proposal, the institution would use 41 in the denominator of the hardship waiver calculation, as this is the maximum number of contests permitted plus one, instead of the 24 it scheduled. Since the student-athlete in the example participated in 14 contests, which is equal to one-third (or 33 percent) of the 41 contests, and they occurred during the first half of the season (or prior to contest number 21), this student-athlete is able to receive a hardship waiver under this proposal assuming the remaining parts of the legislation are satisfied. This is the case, even though this student-athlete participated in 58 percent of the institution's actual contests (14 of the 24 scheduled contests). In addition, this is true even though this student-athlete participated in 14 contests which is more than half (i.e., 12 of 24) of the institution's contests, thereby participating in the second half of the institution's season if measured by the number of contests actually scheduled. Therefore, for this institution, the application of the hardship waiver legislation is different and more favorable to the student-athlete under the proposal than the current rule. Under the current rule, the student-athlete is only eligible for the hardship waiver if the student-athlete had not competed after the 12th contest of the institution's 24 scheduled contests and had only competed in a total of eight contests (i.e., one-third or 33 percent of 24).

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## References

Legislative References			Other
Div.	Number	Title	
III	14.2.5.2.5	<a href="#">Percent Calculation.</a>	References Interpretations: 0
III	14.2.5.2.5.1	<a href="#">Denominator in Percent Computation.</a>	Interpretations: 0
III	14.2.5.2.5.2	<a href="#">Fraction in Percent Computation.</a>	References Educational Columns: 0
III	14.2.5	<a href="#">Hardship Waiver.</a>	Educational Columns: 0 Proposals: 1