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Title: 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 nonorganized 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.

A. Bylaws: Amend 17.02.1.1, as follows:

17.02.1.1 Athletically Related Activities. The following are considered athletically related activities:

[17.02.1.1-(a) through 17.02.1.1-(j) unchanged.]

(k) Observation by an institution's coaching staff member of enrolled student-athletes in nonorganized sport-specific activities (e.g., "pick-up games"), **except as permitted in Bylaw 17.02.1.1.1-(f)**.

17.02.1.1.1 Exceptions. The following activities shall not be considered athletically related:

[17.02.1.1.1-(a) through 17.02.1.1.1-(c) unchanged.]

(d) Observation of enrolled student-athletes in organized competition (e.g., summer league), provided institutional athletics personnel do not direct or supervise the organized activity; ~~and~~

(e) Voluntary individual workouts monitored for safety purposes by strength and conditioning personnel. If the strength and conditioning coach is also a coaching staff member for one of the institution's intercollegiate teams, the monitoring may occur only if that staff member performs monitoring duties for all student-athletes using the facility at the time; ~~and~~

(f) Observation of enrolled student-athletes in nonorganized sport-specific activities, provided:

(1) The documented job responsibilities for the coaching staff member include monitoring of an institutional facility for purposes of safety and facility security;

(2) The observation occurs while the coaching staff member performs this monitoring responsibility; and

(3) The observation occurs while the facility is open to all students.

This exception does not permit a coaching staff member to direct, supervise or provide instruction to student-athletes, but permits a coaching staff member to stop any activity that is dangerous to a student-athlete or other students.

B. Bylaws: Amend 13.11.3, as follows:

13.11.3 Tryout Exceptions. Each of the following activities are permissible activities and exceptions to the tryout prohibition.

[13.11.3.1 unchanged.]



13.11.3.2 Recreational Activities. A prospective student-athlete visiting a member institution may participate in physical workouts or other recreational activities during a visit to an institution's campus, provided such activities:

- (a) Are not organized or observed by members of the athletics department coaching staff (**except as set forth in Bylaw 13.11.3.2.1**); and
- (b) Are not designed to test the athletics abilities of the prospective student-athlete.

13.11.3.2.1 Permissible Observation of Recreational Activities. A coaching staff member who observes a prospective student-athlete engaging in recreational activities is not considered a tryout, provided:

- (a) The documented job responsibilities for the coaching staff member include monitoring of an institutional facility for purposes of safety and facility security;**
- (b) The observation occurs while the coaching staff member performs this monitoring responsibility; and**
- (c) The observation occurs while the facility is open to the general public.**

This exception does not permit a coaching staff member to direct, supervise or provide instruction to prospective student-athletes, but permits a coaching staff member to stop any activity that is dangerous to a prospective student-athlete or other students.

[13.11.3.3 through 13.11.3.13 unchanged.]

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

Effective Date: Immediate

Rationale: Currently, observing enrolled student-athletes in nonorganized sport-specific activities (e.g., "pick-up games") is considered an athletically related activity. An April 17, 2006, educational column stated that coaches can observe these activities if they are monitoring facilities in conjunction with their usual employment duties and the facilities are open to all students. The educational column was derived from language that appeared in the 2004 Convention Question and Answer guide convention floor discussion related to the elimination of the safety exception. This legislation is necessary to resolve the apparent conflict between current legislation and these previously issued documents. Similarly, observing prospective student-athletes engaged in sport-specific activities on campus does not currently meet any of the tryout exceptions. This proposal would allow for the observation of prospective student-athletes when the coach is monitoring an institutional facility for purposes of safety and facility security as part of normal employment duties. These exceptions are appropriate and necessary to ensure proper facility monitoring and because campus personnel considerations currently put institutions in the difficult position of having to choose between not providing proper oversight of facilities or violating NCAA legislation.