



**REPORT OF THE
NCAA DIVISION I COMMITTEE ON STUDENT-ATHLETE
REINSTATEMENT DECEMBER 4-5, 2018, MEETING**

ACTION ITEMS.

1. Legislative items.

- **Noncontroversial Legislation – NCAA Division I Bylaw 12.4.1 – Amateurism – Criteria Governing Compensation to Student-Athletes.**

- (1) Recommendation: That NCAA Division I Legislative Committee propose noncontroversial legislation to designate violations of Bylaw 12.4.1 (criteria governing compensation to student-athletes) as restitution [**R**] violations, which do not affect eligibility conditioned upon the student-athlete making restitution to a charity of his or her choice.
- (2) Effective date: Immediate, for violations occurring on or after date of adoption.
- (3) Rationale: Designating Bylaw 12.4.1 as a restitution bylaw will reduce bureaucracies and increase efficiency for the benefit of the Division I membership. Institutions will no longer need to submit requests for reinstatement when violations of Bylaw 12.4.1 result in receipt of impermissible compensation of \$200 or less. Rather, student-athletes simply need repay the impermissible value to a charity of his or her choice. This amendment will better align the Bylaw 12 employment legislation as other bylaws in Bylaw 12.4 are currently designated as restitution bylaws. Impermissible compensation to student-athletes remains a violation which must be reported to the NCAA enforcement staff.
- (4) Estimated budget impact: None.
- (5) Student-athlete impact: None.

2. Nonlegislative items.

- **None.**

INFORMATIONAL ITEMS.

1. **Review NCAA Division I Committee on Student-Athlete Reinstatement May 2018 report.** The committee reviewed and approved the report from its May 2018 in-person meeting.

2. **Review committee's philosophy statement.** The committee reviewed its philosophy statement.
3. **Waivers approved in one division and student-athlete transfers to another division.** The committee reviewed cases in which a waiver is approved for a student-athlete who subsequently transfers to an institution in another division. The committee determined that all waivers approved by the committee are applicable at any NCAA institution.
4. **Update on hardship waiver case summary.** The committee received an update on the hardship waiver appeal summary format.
5. **Review of cases involving violations of Bylaw 12.4.1 (criteria governing compensation to student-athletes).** The committee reviewed cases involving student-athletes who receive compensation for work not actually performed or who are paid higher than the going rate for similar services. The committee instructed NCAA student-athlete reinstatement staff to require repayment as the only condition of reinstatement for a student-athlete whose impermissible benefit is \$200 or less. Further, the committee adopted the current extra benefits dollar-value withholding guidelines for violations of Bylaw 12.4.1 where the value is greater than \$200.
6. **Update on college basketball reform.** The committee received an update from associate director of NCAA academic and membership affairs on educational materials specific to actions resulting from the Commission on College Basketball report.
7. **Review of pre-enrollment amateurism cases involving agent and professional contract violations.** The committee reviewed recent cases involving prospective student-athletes who enter into agent agreements, compete on professional teams and/or receive money from a professional team greater than expenses prior to enrolling at an NCAA institution. The committee affirmed its current pre-enrollment amateurism guidelines indicating a starting point of permanent ineligibility for such violations and directed the reinstatement staff to continue to review circumstances which may warrant a reduction from permanent ineligibility on a case-by-case basis.
8. **Update on redshirt provision legislation.** The committee received an update on the impact of NCAA Division I Proposal No. 2017-21 [Bylaw 12.8.1.7.1-(a)]. The committee noted institutions must submit a squad list to satisfy the legislative requirements to receive an extension; however, the committee instructed reinstatement staff to review circumstances where an institution asserts a squad list is not available on a case-by-case basis and provide relief when appropriate.

9. **Review of community service valuation and associated guideline.** The committee reviewed and affirmed its community service guideline, including the valuation methodology.
10. **Update on academic misconduct and impermissible academic assistance.** The committee received an update on the application of academic misconduct and impermissible academic assistance guidelines. The committee instructed the reinstatement staff to continue its review of these cases on a case-by-case basis and monitor updates from the NCAA Division I Council and the NCAA Division I Presidential Forum.
11. **Update on football four-contest use of a season legislation (Bylaw 12.8.3.1.6).** The committee received an update on Proposal No. 2017-17 (Bylaw 12.8.3.1.6). The committee instructed reinstatement staff to continue to deny season-of-competition waivers where the competition occurred prior to August 1, 2018, and the only mitigation provided for the waiver is that Proposal No. 2017-17 should be applied retroactively.
12. **Review of cases involving withholding from practice.** The committee reviewed current guidelines that include withholding from practice as a condition for reinstatement. The committee modified current guidelines to remove practice withholding as a condition for reinstatement in all circumstances other than those involving a canceled standardized test score. For cases involving a canceled standardized test score, the committee affirmed the current guideline specific to practice withholding.
13. **Review of withholding condition for season-of-competition waivers approved based on coach's documented misunderstanding/error.** The committee reviewed season-of-competition waivers approved based on coach's documented misunderstanding/error and the committee's two-for-one withholding condition associated with such approvals. The committee modified its current guideline and instructed reinstatement staff to apply a one-for-one withholding condition for season-of-competition waivers approved based on coach's documented misunderstanding of the legislation or coach's error.
14. **Review of violations of extra benefit legislation when institution asserts it could have otherwise permissibly provided the benefit(s).** The committee reviewed cases where institutions assert an impermissible benefit could have otherwise been permissibly provided. The committee directed reinstatement staff to continue reviewing on a case-by-case basis. The committee also affirmed its guideline specific to the Student Assistance Fund.
15. **Amateurism certification process case update.** The committee reviewed a summary of amateurism certification case decisions, including appeals heard by the committee, for the 2018-19 academic year.

16. **Review of reinstatement guidelines.** The committee reviewed and approved editorial revisions to the NCAA Division I Committee on Student-Athlete Reinstatement Guidelines.
17. **Review of policies and procedures.** The committee reviewed and approved editorial revisions to the NCAA Divisions I, II and III Committees on Student-Athlete Reinstatement Policies and Procedures. The committee amended policies and procedures specific to the following: (1) Required institutional representatives on teleconference appeals; and (2) Default on repayment and/or community service/service learning plans. The committee also created a policy specifying that final reinstatement decisions will be codified in Requests/Self Reports Online.
18. **Amateurism certification process policies and procedures review.** The committee received an update specific to amateurism certification process changes effective beginning with the 2018-19 amateurism certification cycle.
19. **Division I Summary of Legislative Actions.** The committee received an update regarding proposed and adopted legislation. While the committee does not oppose Proposal No. 2018-41, the committee recommends tabling the proposal pending broader membership discussion. Specifically, the committee does not believe existing Proposal No. 2018-41 adequately considers the impact of removing the first half of the season requirement on season-of-competition waiver legislation. Additionally, the committee encourages broader membership discussion regarding use of a season of competition prior to moving on this proposal.
20. **Governance update.** The committee received a governance update from NCAA director of law, policy and governance.
21. **Litigation update.** The committee received a litigation update from deputy general counsel.
22. **Review NCAA Conflict of Interest Policy.** The committee reviewed its Conflict of Interest Policy.
23. **Review of flexible case decisions.** The committee reviewed decisions for which the reinstatement staff provided relief from established case precedent and/or committee guidelines or where no case precedent existed. The committee archived nine reinstatement staff decisions.
24. **Future meetings.** The committee established the following future meeting dates and locations:

- a. June 11-12, 2019, Indianapolis; and
- b. November 19-20, 2019, Indianapolis.

Committee Chair: Keli Zinn, West Virginia University.
Vice Chair: Loretta Lamar, U.S. Naval Academy.
Staff Liaisons: Sarah Otey, Academic and Membership Affairs.
Brad Rochman, Academic and Membership Affairs.

NCAA Division I Committee on Student-Athlete Reinstatement December 4-5, 2018, Meeting
Attendees:
Michael Bitter, Stetson University.
Rick Christensen, Duquesne University.
Ross Hammond, Wofford College.
Loretta Lamar, U.S. Naval Academy.
Paia LaPalombara, The Ohio State University.
Keli Zinn, West Virginia University.
Absentees:
None.
Guests in Attendance:
None.
NCAA Support Staff in Attendance:
Cynthia Alanis, Tom Anderson, Etta Billon, Stephanie Grace, Sarah Otey, Liz Perry, Jess Rigler, Brad Rochman, Zach Romash, Julie Sargent, Danielle Teetzel and Danielle Walter.
Other NCAA Staff Members in Attendance:
Jennifer Fraser, Naima Stevenson, Ashley Thornburg and Angela Tressel.