



**REPORT OF THE  
NCAA DIVISION I COMMITTEE ON STUDENT-ATHLETE REINSTATEMENT  
NOVEMBER 19-20, 2019, MEETING**

**ACTION ITEMS.**

**1. Legislative items.**

- **None.**

**2. Nonlegislative items.**

- **Referral to the NCAA Division I Committee on Academics.**

- (1) Recommendation. That NCAA Division I Legislative Committee refer, for discussion, to the NCAA Division I Committee on Academics the concept of permitting institutions the discretion to provide final academic nonqualifiers with athletically related financial aid.
- (2) Effective date. Immediate.
- (3) Rationale. Current legislation prohibits an institution from providing athletically related financial aid to final academic nonqualifiers. The NCAA Division I Committee on Student-Athlete Reinstatement reviews violations of this legislative provision. In reviewing these violations, the NCAA student-athlete reinstatement staff consults with the NCAA initial-eligibility waiver staff to determine whether an initial-eligibility waiver would have allowed the student-athlete to receive athletics aid. Given a primary purpose of the Association is to provide access to education, the vast majority of initial-eligibility waivers provide, at a minimum, the ability for a student-athlete to receive athletics aid. As a result, violations of this legislation virtually always result in relief from repayment of the impermissible athletics aid. Therefore, the Committee on Student-Athlete Reinstatement believes that providing institutions the discretion to permit final academic nonqualifiers to receive athletics aid is in the best interest of student-athletes. While, the Committee on Student-Athlete Reinstatement believes legislative change is appropriate, it recognizes that the Committee on Academics is in the best position to make the final determination and, therefore, requests that the Legislative Committee refer the concept to the Committee on Academics for its review.
- (4) Estimated budget impact. None.

- (5) Student-athlete impact. Potential student-athlete impact for final academic nonqualifiers who previously would not have been permitted to receive institutional athletics aid.

### **INFORMATIONAL ITEMS.**

1. **Review Division I Committee on Student-Athlete Reinstatement June 2019 report.** The committee reviewed and approved the report from its June 2019 in-person meeting.
2. **Review Committee on Student-Athlete Reinstatement philosophy statement.** The committee reviewed its philosophy statement.
3. **Update on Individual Associated with a Prospective Student-Athlete or Recruited Prospective Student-Athlete legislation.** The committee received an update on recent reinstatement requests and trends involving institutions that hire an IAWP/IAWRP. The committee agreed to continued discussion regarding whether prospective student-athlete and/or enrolled student-athlete eligibility should be impacted as a result of an IAWP/IAWRP violation. To assist in its continued review, the committee requested that the NCAA enforcement staff attend its May 2020 meeting to provide information on institutional impact of IAWP/IAWRP violations. Further, the committee recommended that the relevant sport oversight committees consider what may be appropriate institutional penalties for IAWP/IAWRP violations.
4. **Review of definition of "meaningful participation opportunity."** The committee reviewed and affirmed its guidelines specific to a student-athlete who begins the season incapacitated and is cleared to return to competition with less than 30% of a season remaining and specific to the 50% threshold in withholding conditions.
5. **Review of guideline specific to season-of-competition waivers where a student-athlete competes on an institution's club team.** The committee reviewed its guideline specific to season-of-competition waivers – competition while eligible involving a student-athlete's participation on an institution's club team. The committee amended the guideline to remove the requirement that "all other season-of-competition waiver – competition while eligible legislated participation requirements are met."
6. **Review of community service condition application.** The committee reviewed and affirmed its community service guideline.
7. **Previously approved waivers and reinstatement requests.** The committee approved addition of NCAA Division I Bylaws 12.8.1.7 (five-year rule waiver), 13.6.7.9 (activities during official visit) and 13.7.4 (activities during unofficial visit) to the previously approved request list.

8. **Review of history of dollar-value based and contest-for-contest withholding conditions.** The committee reviewed the history of withholding conditions contained in the committee's guidelines and requested that staff prepare data related to typical withholding conditions for eligibility-impacting violations for future review by the committee. The committee requested that staff also provide data specific to how often a particular guideline is applied as written, versus how often staff and/or the committee provides some measure of relief from a particular guideline.
9. **Review of extensions where institution asserts a previously approved season-of-competition waiver – competition while eligible due to coach's documented misunderstanding of legislation is a denied participation opportunity.** The committee reviewed circumstances where a season-of-competition waiver – competition while eligible is approved based on coach's documented misunderstanding of legislation or coach's error. The committee directed staff to consider an approved season-of-competition waiver – competition while eligible due to coach's documented misunderstanding of the legislation or coach's error a denied participation opportunity, only for a season in which the student-athlete, otherwise, would have legislatively qualified to use the redshirt year provision to satisfy the requirements of the extension legislation. Specifically, an approved season-of-competition waiver – competition while eligible due to coach's documented misunderstanding of the legislation or coach's error cannot be combined with a redshirt year to satisfy the two-denied participation opportunities requirement.
10. **Review of application of athletics activity waiver legislation.** The committee reviewed a recent NCAA academic and membership affairs staff interpretation specific to athletics activity waivers. The committee supported both the interpretation and the way the student-athlete reinstatement staff has applied the interpretation to athletics activity waiver decisions.
11. **Review of hardship waiver legislated criteria.** The committee reviewed an update to the hardship waiver worksheet and discussed a request from the Division I Legislative Committee for a holistic review of hardship waiver legislation. The reinstatement committee requested staff conduct a thorough legislative history and prepare potential concepts for change to the hardship waiver legislation for the reinstatement committee's review in May 2020.
12. **Critical review of current student-athlete reinstatement cases.** The committee reviewed specific areas of legislation where student-athlete eligibility is impacted and recommended:
  - That staff continue to explore a concept that would allow institutions to provide academic resources (e.g., textbooks) to student-athletes for courses in which they are actively enrolled without requiring the provision of those resources to be included in institutional financial aid limits.

- That staff editorially revise Bylaws 13.7.1 [Unofficial (Nonpaid) Visit, First Opportunity to Visit] and 13.7.2 [Unofficial (Nonpaid) Visit, Number Permitted] and their subsections to make those violations de minimis and, therefore, not impact a prospective student-athlete's eligibility.

13. **Review of student-athlete reinstatement policy regarding involvement with NCAA enforcement staff.** The committee reviewed and amended its policy regarding student-athlete reinstatement staff involvement with the enforcement staff, to specify, if the enforcement staff determines that the institution's request for reinstatement contains information that is either contradictory to information obtained by the enforcement staff or appears incomplete, the reinstatement and enforcement staffs may follow up with the institution specific to the concerns.
14. **Application of withholding conditions for season-of-competition waivers – competition while eligible and hardship waivers/hardship waiver appeals.** The committee reviewed season-of-competition (while eligible) waivers and hardship waivers in which withholding was imposed as a condition of approving the waiver. The committee determined that when a waiver is approved with a withholding condition, the institution should be permitted to apply the withholding condition to the first regularly scheduled contest(s) or date(s) of competition in any one of the student-athlete's remaining seasons of competition.
15. **Review of pre-enrollment dollar-value withholding guidelines.** The committee reviewed violations of Bylaws 12.1.2.1.6 (Preferential Treatment, Benefits or Services) and 13.2.1 (Offers and Inducements, General Regulation) and updated the guidelines as follows:

Previous Guidelines	Amended Guidelines
Greater than \$200-\$500 = repayment	Greater than \$200-\$500 = repayment
Greater than \$500-\$700 = repayment and 10% withholding	Greater than \$500-\$800= repayment and 10% withholding
Greater than \$700-\$1,000 = repayment and 20% withholding	Greater than \$800-\$1,100 = repayment and 20% withholding
Greater than \$1,000 = repayment and 30% withholding	Greater than \$1,100 = repayment and 30% withholding

16. **Withholding for reinstatement conditions that charge full seasons of competition.** The committee reviewed case precedent wherein the reinstatement decision involved a

condition that charged full seasons of competition. In cases where a prospective or enrolled student-athlete is charged with the use of more than one season of competition as a condition of reinstatement, the committee determined staff may provide relief from withholding the prospective or enrolled student-athlete from more than one season of competition.

17. **Review of waiver guideline specific to legal issues and allegations.** The committee reviewed its current guideline specific to legal issues and allegations, which is specific to extension requests, and determined the guideline should apply to all waiver types processed by the staff and committee. Specifically, for all waiver types a staff waiver decision should not supersede institutional action.
18. **Documentation standards imposed in waivers asserting financial hardship or other hardship unrelated to injury or illness.** The committee amended its guideline specific to situations which gradually develop into extreme financial difficulties, and determined those circumstances may satisfy the specific event legislation if (1) the financial hardship is supported by objective documentation; (2) the extreme financial difficulties directly impacted the student-athlete's ability to participate during the academic year in question; and (3) the institution can demonstrate a subsequent change in the student-athlete's financial circumstances that enabled the student-athlete to return to participation. The committee also provided guidance on documentation standards applied in waivers asserting financial hardship or other hardships unrelated to injury or illness and directed staff to continue reviewing these waivers on a case-by-case basis.
19. **Document retention.** The committee reviewed the NCAA national office document retention policy as determined by the NCAA Office of Legal Affairs. The committee requested that the reinstatement staff track on any changes in policy that would apply to student-athlete reinstatement case documentation and amend procedure consistent with recommendations from the Office of Legal Affairs.
20. **Competition during final semester of enrollment while enrolled less than full time or while enrolled in nondegree applicable courses.** The committee reviewed scenarios where a student-athlete uses the legislative exception to compete in a final term while enrolled less than full time or in nondegree applicable courses. The committee agreed to transfer authority of review of these cases from the NCAA Division I Committee for Legislative Relief to the Committee on Student-Athlete Reinstatement. The Committee on Student-Athlete Reinstatement directed staff to review these reinstatement requests on a case-by-case basis.
21. **Amateurism certification process case update.** The committee reviewed a summary of amateurism certification case decisions, including appeals heard by the committee, for the 2019-20 academic year.

22. **Review of reinstatement guidelines.** The committee reviewed and approved editorial revisions to the NCAA Division I Committee on Student-Athlete Reinstatement Guidelines.
23. **Review of policies and procedures.** The committee reviewed and approved revisions to the NCAA Divisions I, II and III Committees on Student-Athlete Reinstatement Policies and Procedures.
24. **Division I Summary of Legislative Actions.** The committee received an update regarding proposed and adopted legislation.
25. **Governance update.** The committee received a governance update from NCAA managing director of Division I governance.
26. **Litigation update.** The committee received a litigation update from NCAA vice president for law, policy and governance.
27. **Review NCAA Conflict of Interest Policy.** The committee reviewed the NCAA Conflict of Interest Policy.
28. **Review of flexible case decisions.** The committee reviewed decisions for which the staff provided relief from established case precedent and/or committee guidelines or where no case precedent existed. The committee archived three staff decisions.
29. **Future meetings.** The committee established the following future meeting dates and locations:
  - May 13-14, 2020, Indianapolis; and
  - December 1-2, 2020, Indianapolis.

*Committee Chair:* Loretta Lamar, U.S. Naval Academy.  
*Vice Chair:* Rick Christensen, Duquesne University.  
*Staff Liaisons:* Sarah Otey, Academic and Membership Affairs.  
Brad Rochman, Academic and Membership Affairs.

NCAA Division I Committee on Student-Athlete Reinstatement November 19-20, 2019, Meeting	
<b>Attendees:</b>	
Michael Bitter, Stetson University.	
Rick Christensen, Duquesne University.	
Loretta Lamar, U.S. Naval Academy.	
Paia LaPalombara, The Ohio State University.	
Ava Lawson, Northern Kentucky University; student-athlete.	
Marielle vanGelder, University of North Carolina, Chapel Hill.	
<b>Absentees:</b>	
None.	
<b>Guests in Attendance:</b>	
None.	
<b>NCAA Support Staff in Attendance:</b>	
Cynthia Alanis, Etta Billon, Stephanie Grace, Maison Haines, Sarah Otey, Liz Perry, Ta'Shia Phillips, Adam Replogle, Jess Rigler, Brad Rochman, Zach Romash, Julie Sargent and Danielle Teetzel.	
<b>Other NCAA Staff Members in Attendance:</b>	
Scott Bearby, Jennifer Fraser and Jennifer Henderson.	