



**REPORT OF THE
NCAA DIVISION II COMMITTEE FOR LEGISLATIVE RELIEF
MAY 27, 2020, VIDEOCONFERENCE**

ACTION ITEMS.

1. Legislative items.

- **None.**

2. Nonlegislative items.

- **Guidelines for Review of Requests Seeking Relief of NCAA Division II Bylaw 14.5 – Transfer-Residency Requirement Due to Institutional Denial of Transfer Release.**
 - (1) Recommendation. To update the guideline for requests involving institutional denial of transfer release [See Attachment].
 - (2) Effective date. Immediate.
 - (3) Rationale. Under the current guideline, when an NCAA institution denies use of the one-time transfer exception or opposes the waiver and a Division II institution files a legislative relief waiver, staff is directed to deny these cases during its first review of the case on behalf of the Division II Committee for Legislative Relief. Recently, staff has processed legislative relief waivers where the previous institution changes its original position on the use of the one-time transfer exception or waiver request. Specifically, staff must utilize the 10-day process and during this process, the previous institutions indicate they either: (1) no longer support or oppose the waiver; (2) are not opposed to supporting the waiver; or (3) takes no position. Permitting staff to approve waivers under these circumstances and requiring the previous institution to readdress its position on the use of the one-time transfer exception or support of the waiver during the 10-day process will allow staff to proceed with processing the waiver request and make an appropriate decision.
 - (4) Estimated budget impact. None.
 - (5) Student-athlete impact. None.

INFORMATIONAL ITEMS.

- 1. Update regarding COVID-19.** Staff provided an update on the recent actions taken by the NCAA Division II Administrative Committee in response to COVID-19. Staff noted that the Administrative Committee confirmed that the application of the four-year college transfer requirements remain the same.

2. **Review of Committee for Legislative Relief cases decided from August 1, 2019, through January 31, 2020, by the NCAA staff and committee.** The committee reviewed cases decided by staff and the committee from August 1, 2019, through January 31, 2020. A total of 165 cases were submitted in Division II and 144 cases were decided by staff and the committee during this time period. Of the 144 cases decided, staff approved 105 cases, 39 of which were approved with conditions. Five of the 105 cases were approved based on the totality of the circumstances, one of which was previously approved and archived by the committee. Four of the waivers involved the application of the one-time transfer exception legislation, while the fifth case involved the application of the championship and nonchampionship legislation as it applies to institutional sport programs. The committee reviewed the five cases approved by staff based on the totality of the circumstances and noted that one case should be archived. Additionally, the staff denied 35 cases, 10 of which were appealed to the committee. The committee affirmed the staff decision in five cases.
3. **Review of the NCAA Division I Committee for Legislative Relief guidelines and the Division II Committee for Legislative Relief guidelines.** The committee reviewed the updates to the Division I Committee for Legislative Relief guidelines to determine whether updates to the Division II Committee for Legislative Relief guidelines were necessary. The committee revised the Division II guidelines to move away from asking the previous institution whether there is support for the waiver, and instead requesting the previous institution's understanding of the reason for the transfer.
4. **Review of Division II legislative relief waivers related to COVID-19.** The committee discussed potential relief for Division II institutions seeking relief due to COVID-19. The committee directed staff to review waivers related to COVID-19 on a case-by-case basis and to request documentation that demonstrates a correlation between the necessity to transfer and COVID-19. Finally, the committee directed staff to exercise discretion and sensitivity, as well as to consider the impact of the health and safety of student-athletes while processing waivers related to COVID-19.
5. **Update regarding the NCAA Division I Transfer Waiver Working Group.** The committee received an update on the actions taken by the NCAA Division I Council on May 20, 2020, as it relates to recommendations from the Division I Transfer Waiver Working Group.
6. **Review of the Amateurism Certification Process Error Policy.** NCAA Eligibility Center staff provided an update on the Amateurism Error Policy. Specifically, the policy will permit the Eligibility Center to correct released, inaccurate preliminary or final amateurism certifications and notify Division II institutions and prospective student-athletes of the corrected error. The committee discussed whether the Streamlined Review Process should be expanded to honor previously released amateurism certification errors and determined the new error policy should be incorporated. This policy will become effective October 1, 2020.

7. **Review of newly adopted legislation.** The committee received an update regarding legislation adopted at the 2020 NCAA Convention. None of the proposals are expected to impact legislative relief waiver volume.
8. **Review of NCAA Conflict of Interest Policy.** The committee reviewed the NCAA Conflict of Interest Policy and reiterated the importance of committee members recusing themselves if a conflict exists.
9. **Review of the September 23, 2019, and May 12, 2020, Committee for Legislative Relief reports to the NCAA Division II Management Council.** The committee reviewed the September 23, 2019, and May 12, 2020, reports and approved both as written.
10. **Review of October 2019, January and April 2020 NCAA Division II Management Council and Presidents Council summaries of actions.** The committee reviewed the summary of actions from the Management Council and Presidents Council October 2019, January and April 2020 meetings.
11. **Update on the NCAA Growth, Opportunities, Aspirations and Learning of Students in college study data.** NCAA research staff presented findings from the 2019 NCAA GOALS study data.
12. **Review of NCAA Division II Committee for Legislative Relief roster.** The committee reviewed the updated roster.
13. **Committee for Legislative Relief chair election.** The committee elected Ellen Fagerstrom, faculty athletics representative, Minnesota State University, Moorhead, as chair, effective September 1, 2020.
14. **Future meeting date.** Staff noted that a videoconference is anticipated in September 2020, and additional information will be provided at a later date.

Committee Chair: Audra Kedy, Great American Conference

Staff Liaison(s): Chelsea Hooks, Academic and Membership Affairs

Jordan Lysiak, Academic and Membership Affairs

NCAA Division II Committee for Legislative Relief May 27, 2020, Videoconference	
Attendees:	
Larry Earnesty, Millersville University of Pennsylvania.	
Ellen Fagerstrom, Minnesota State University, Moorhead.	
Matt Finley, Anderson University (South Carolina).	
Audra Kedy, Great American Conference.	
Absentees:	
Amy Henkelman, Dominican University of California.	

Guests in Attendance:
None.
NCAA Staff Liasons in Attendance:
Chelsea Hooks and Jordan Lysiak.
Other NCAA Staff Members in Attendance:
Lydia Bell, Doug Healey, Maritza Jones, Stephanie Quigg, Angela Red, Ashley Thornburg and Karen Wolf.

Transfer-Residency Requirement Due to Institutional Denial of Transfer Release.

- Directive for Requests Involving Institutional Denial of Transfer Release.

(1)-(2) Unchanged.

- (3) During its May 27, 2020, videoconference, the committee revised the directive to specify that when the previous institution changes its original position on the use of the one-time transfer exception or the waiver request, the case should be approved.