



**REPORT OF THE
NCAA DIVISION II COMMITTEE FOR LEGISLATIVE RELIEF
OCTOBER 3, 2018, TELECONFERENCE**

ACTION ITEMS.

1. Legislative item.

- **None.**

2. Nonlegislative items.

a. Previously Approved Incidental Expense Waiver List.

- (1) Recommendation. To update the previously approved incidental expense waiver list, as specified. [See Attachment A]
- (2) Effective date. Immediate.
- (3) Rationale. For an institution or conference to apply a previously approved incidental expense waiver, the situation must exactly match what is on the published list. If the situation is similar, but not exact, the institution must file an NCAA Division II Committee for Legislative Relief waiver on behalf of the student-athlete. The current list was last updated in March 2016. Incorporating the additional scenario of permitting an institution to provide housing and meals to a student-athlete during a natural disaster will reduce bureaucracy and permit the membership and staff to work more efficiently in limited circumstances. Furthermore, incorporating the additional scenario will allow for more flexibility while maintaining the intent of the original approved waiver.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. The revised list will provide additional flexibility for institutions and conferences to provide expenses to student-athletes without having to file a legislative relief waiver.

b. Guidelines and Information Standards for Waivers Involving NCAA Bylaw 14.5.5 (Four-Year College Transfers) and Assertions of "Run-off" By Previous Institution.

- (1) Recommendation. To update the guideline and information standards for the review of waiver requests seeking relief of Bylaw 14.5.5 (four-year college transfers) for assertions of "run-off" by the previous institution, as specified. [See Attachment B]

- (2) Effective date. Immediate, for transfers in the 2019-20 academic year and thereafter.
- (3) Rationale. In March 2015, the committee adopted the "run-off" guideline to allow relief from the academic year in residence requirement of the four-year college transfer rules when an institution asserts that the student-athlete was "run off" by his or her previous institution. Amending the guideline to require that a student-athlete, who has one season of competition remaining or two full-time semesters or three full-time quarters remaining to compete, must satisfactorily complete 12-semester or 12-quarter hours of transferrable degree credit hours acceptable toward any baccalaureate degree program at the certifying institution for each term of full-time attendance at any collegiate institution, with a cumulative minimum grade-point average of 2.000 in transferable degree credit, will ensure the student-athlete is making appropriate academic progress upon transfer.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. A student-athlete transferring with one season of competition or two full-time semesters or three full-time quarters remaining to compete must meet specific academic requirements for the "run-off" guideline to be applied by the committee.

INFORMATIONAL ITEMS.

1. **Review of Committee for Legislative Relief cases decided from February 1 through July 31, 2018, by the NCAA staff and committee.** The committee reviewed cases decided by staff and the committee from February 1 through July 31, 2018. A total of 103 cases were submitted in Division II and 82 cases were decided by the staff during this time period. Of the 82 cases decided, staff approved 65 cases, 24 of which were approved with conditions. Two of the 82 cases were approved based on the totality of the circumstances. Additionally, the staff denied 16 cases, seven of which were appealed to the committee. The committee affirmed the staff decision in six cases. The committee received an update on the two totality cases regarding the NCAA Eligibility Center process for amateurism certification when a graduation date cannot be determined during its March 2018 teleconference.
2. **Review of 2019 NCAA Convention Division II proposals.** The committee reviewed NCAA Division II Proposal No. 2-7 (eligibility – seasons of competition: 10-semester/15-quarter – criteria for determining seasons of eligibility – participation in organized competition before initial collegiate enrollment – exceptions to participation in organized competition – service exceptions) and discussed the impact the proposal would have on legislative relief waivers. Specifically, it was noted that should the proposal be adopted, it

will result in a reduction in organized competition waivers where a student-athlete participates in organized competition while in international mandatory military service.

3. **Review of the Division II legislative relief case write-up process.** The committee received an update from staff regarding the new legislative relief waiver case write-up process.
4. **Update on the NCAA Division I Committee for Legislative Relief approval of the guideline regarding an exhibition game against a Division I institution to raise funds for relief efforts for catastrophic events.** The committee received an update on the Division I Committee for Legislative Relief approval of the guideline regarding an exhibition game against a Division I institution to raise funds for relief efforts for catastrophic events. The committee agreed that a similar guideline for Division II is not needed at this time.
5. **Update on Next Generation Showcase.** The committee received an update on Next Generation Showcase, which is an event held in conjunction with the NCAA Men's Final Four and will occur during a Division I and Division II dead period. NBA Academy teams are scheduled to participate in Next Generation Sunday scrimmages as part of Men's Final Four Fan Fest. The overall purpose of this event is to provide education to high school basketball student-athletes at the Final Four and allow some of the participants to scrimmage at Fan Fest.

Participants will receive daily educational programming on a variety of topics including the recruiting process, initial eligibility, amateurism, the benefits of being a student-athlete, media training and nutrition. Next Generation Showcase (part of Men's Final Four Fan Fest) is a free event, open to the general public at which teams participating in the Next Generation Sunday will scrimmage against each other.

The committee approved a blanket waiver to permit Division II men's basketball coaches to attend the Next Generation Showcase during the recruiting dead period on April 7, 2019. In addition, as part of the blanket waiver, it was noted that all other recruiting legislation (e.g., contact with a prospective student-athlete) applies during the event.

6. **Review of Committee for Legislative Relief roster.** The committee reviewed the updated roster.
7. **Review of Committee for Legislative Relief policies and procedures.** The committee reviewed its policies and procedures and noted the conflict of interest policy, reiterating the importance of committee members recusing themselves if a conflict exists. It was also noted the importance of only reviewing the documentation provided to the committee from the applicant institution and conference during review of appeals.

8. **Review of the March 16, 2018, Committee for Legislative Relief teleconference report to the NCAA Division II Management Council.** The committee reviewed and approved the March 16, 2018, report as written.
9. **Review of July/August 2018 Management Council and NCAA Division II Presidents Council summary of actions.** The committee reviewed the summary of actions from the Management Council and Presidents Council July/August 2018 meetings.
10. **Review of the Division II 2018-19 priorities.** The committee received an overview of the 2018-19 Division II priorities as endorsed by the Presidents Council in August.
11. **Review of Division II Census executive summary.** The committee received an overview of the 2018 Division II Census highlights.
12. **Future meeting date.** Staff noted that a teleconference is anticipated in March 2019, and additional information will be provided at a later date.

Committee Chair: Audra Kedy, Great American Conference
Staff Liaison(s): Chelsea Crawford, Academic and Membership Affairs
Geoff Bentzel, Academic and Membership Affairs

NCAA Division II Committee for Legislative Relief October 3, 2018, Teleconference	
Attendees:	
Marcus Clarke, Central Intercollegiate Athletic Association.	
Laura Clayton Eady, University of West Georgia.	
Josh Doody, Notre Dame de Namur University.	
Matthew Finley, Anderson University (South Carolina).	
Audra Kedy, Great American Conference.	
Absentees:	
None.	
Guests in Attendance:	
None.	
NCAA Staff Liaisons in Attendance:	
Geoff Bentzel and Chelsea Crawford.	
Other NCAA Staff Members in Attendance:	
DJ Brown, Melissa Marchini, Stephanie Quigg Smith and Karen Wolf.	

ATTACHMENT A

Type: Educational Column

Title: Previously Approved NCAA Division II Incidental Expense (II)

Division: II

Date Issued: October 3, 2018

Date Published: October XX, 2018

Item Ref No: 1

Text:

Effective October 1, 2008, NCAA Division II institutions should note that the NCAA Division II Committee for Legislative Relief (CLR) has the authority to review incidental expense waivers (NCAA Bylaw 16.12). These requests were previously processed by the NCAA Division II Management Council Administrative Committee.

Bylaw 16.12.1.1 permits institutions and conferences to process incidental expenses, without the need for a waiver, provided the specific fact pattern of the institution's or conference's expense request is identical to a request that has been previously approved. If there is no direct on-point precedent for approval of the expense, the institution or conference must submit a formal Committee for Legislative Relief waiver application to the NCAA national office. Division II institutions may access the waiver application on the NCAA Web site (www.ncaa.org).

Note: Incidental expense waivers are only available for student-athletes and do not apply to prospective student-athletes. If an institution or conference wishes to provide a benefit/expense to a prospective student-athlete that is normally impermissible under the legislation, the institution or conference may consider filing a Committee for Legislative Relief waiver request for Bylaw 13.2 (offers and inducements) or Bylaw 13.15 (precollege expenses).]

Transportation Expenses.

1. Transportation expenses for an international student-athlete to renew his or her required documents (e.g., visa, passport).
2. Transportation expenses for student-athletes to attend the funeral of a former teammate or institutional staff member.
3. Transportation expenses to student-athletes to attend a reception where their coach will be honored.
4. Transportation expenses to a student-athlete to return home for the birth of his or her child.

Misfortune Expenses.

1. To provide actual and necessary expenses to assist student-athletes for the replacement of items damaged or lost in a fire.
2. To reimburse a student-athlete for the replacement of a personal item (e.g., backpack, laptop) that was damaged during team travel.
3. Expenses to replace items belonging to a student-athlete that were stolen from the student-athlete's car, from the student-athlete's dormitory room or during team travel.
4. Expenses for the repair of a student-athlete's property (e.g., car, laptop, cell phone) that was damaged by an institutional staff member or student manager.

Miscellaneous Expenses.

1. To permit an institution's athletics staff member to purchase a baby gift for an expectant parent student-athlete on their team. The total value of the gift may not exceed \$25.

2. To permit an institution to provide housing and meals to a student-athlete during a natural disaster.

Notice about Educational Columns: Educational columns and hot topics are intended to assist the membership with the correct application of legislation and/or interpretations by providing clarifications, reminders and examples. They are based on legislation and official and staff interpretations applicable at the time of publication. Therefore, educational columns and hot topics are binding to the extent that the legislation and interpretations on which they are based remain applicable. Educational columns are posted on a regular basis to address a variety of issues and hot topics are posted as necessary in order to address timely issues.

Legislative References

Legislative Cite	Title
16.12.1.1	Previously Approved Incidental Expenses.
13.15	Precollege Expenses.
13.2	Offers and Inducements.
16.12	Expense Waivers.

Assertions that a Student-Athlete was "Run Off" by Previous Institution.

Directive for Request Involving Assertions that a Student-Athlete was "Run Off" by Previous Institution (NCAA Division II Bylaw 14.5.5).

Assertions that a Student-Athlete was "Run Off" by Previous Institution.

During its October 3, 2018, meeting, the NCAA Division II Committee for Legislative Relief revised the relief that can be provided for waivers involving Bylaw 14.5.5 (transfer regulations) in which an institution asserts that the student-athlete was "run off" by his or her previous institution.

- a. Information Standards for Assertions of "Run Off." The committee adopted the following information standards for transfers asserting run off:
 - (1) Documentation demonstrating that the student-athlete would not have had the opportunity to return to the previous institution's team for reasons outside the control of the student-athlete. Documentation demonstrating that athletically related financial aid was not renewed for reasons outside the control of the student-athlete can be provided to support the assertion that a student-athlete was not able to return to the previous institution's team.
 - (2) A written statement from applicant institution indicating that the student-athlete is in good academic standing and meets all progress-toward-degree requirements at applicant institution.
 - (3) If the student has one season of competition remaining in his or her sport or two full-time semesters or three full-time quarters or fewer remaining in which to complete his or her eligibility and who has not earned a baccalaureate degree, the institution must show that the student-athlete has satisfactorily completed an average of 12-semester or 12-quarter hours of transferrable degree credit acceptable toward any baccalaureate degree program at the certifying institution for each full-time attendance, at any collegiate institution, with a cumulative minimum grade-point average of 2.000 in transferable degree credits. (Effective immediately, for student-athletes transferring for the 2019-20 academic year.)
 - (4) Written statement from the student-athlete's previous institution indicating that the previous institution supports the waiver request and that the student-athlete departed the previous institution in good academic standing and meeting all progress-toward-degree requirements.
- b. Guidelines for Assertions of "Run Off."
 - (1) In cases in which a student-athlete is run off by the previous institution, relief should be provided if the student-athlete was otherwise eligible for use of the one-time transfer exception but could not use the exception due to a previous transfer (e.g., 4-4-4 transfer).

- (2) If applicant institution is unable to document that the student-athlete was run off by his or her previous institution, or if the previous institution does not support the waiver request, the case should be denied.
- (3) The nonrenewal of athletically-related financial aid should not, in and of itself, be a circumstance which warrants relief.