



**REPORT OF THE  
NCAA DIVISION II COMMITTEE FOR LEGISLATIVE RELIEF  
SEPTEMBER 25, 2020, VIDEOCONFERENCE**

**ACTION ITEMS.**

**1. Legislative item.**

- None.

**2. Nonlegislative items.**

**a. Division II Previously Approved Waiver Checklist.**

- (1) Recommendation. To adopt the previously approved waiver checklist, as specified. [See Attachment A]
- (2) Effective date. Immediate.
- (3) Rationale. For an institution or conference to self-apply the previously approved waiver checklist, the institution's or conference's circumstance(s) must appear on the list and the circumstance(s) must satisfy the specified criteria established for the particular approved waiver. If the circumstance(s) does not appear on the checklist or if the circumstance(s) does not satisfy the established criteria, the institution or conference may file an NCAA Division II Committee for Legislative Relief waiver on behalf of the student-athlete. Finally, an institution or conference that grants relief of NCAA legislation based on the previously approved waiver checklist, must submit a report to its conference office on a quarterly basis each year. The adoption of the checklist will reduce bureaucracy and permit the membership and NCAA staff to work more efficiently in limited circumstances.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. The adopted checklist will provide additional flexibility for institutions and conferences to self-apply waivers that appear within the checklist, without the requirement of submitting a legislative relief waiver, overall expediting the process.

**b. Previously Approved Incidental Expense Waiver List.**

- (1) Recommendation. To update the previously approved incidental expense waiver list, as specified. [See Attachment B]

- (2) Effective date. Immediate.
- (3) Rationale. For an institution or conference to apply a previously approved incidental expense waiver, the specific fact pattern must match a request that has been previously approved. If the situation is similar, but not exact, the institution or conference may file a Committee for Legislative Relief waiver on behalf of the student-athlete. The current list was last updated in October 2018. Specifically, the updates include: (1) the use of the phrase "catastrophic event" as a way to encompass both natural and manmade disasters which may impact a student-athlete; (2) an increase from \$25 to \$50 for the allowable total value of a baby gift by an athletics staff member to be provided to an expectant parent student-athlete; and (3) permit institutions to provide housing and meals to student-athletes during a catastrophic event. Incorporating the additional scenarios will permit the membership and NCAA staff to work more efficiently in limited circumstances and will allow for more flexibility while maintaining the intent of the original approved waiver.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. The waiver list will provide additional flexibility for institutions and conferences to provide expenses to student-athletes without having to file a legislative relief waiver.

### **INFORMATIONAL ITEMS.**

- 1. **Review of Committee for Legislative Relief cases decided from February 1 through July 31, 2020, by the NCAA staff and committee.** The committee reviewed cases decided by staff and the committee from February 1 through July 31, 2020. A total of 95 cases were submitted in Division II and 67 of those cases were decided by staff during this time period. Of the 67 cases decided, staff approved 45 cases, three of which were approved with conditions. There were no cases approved based on the totality of the circumstances. Additionally, staff denied 12 cases, six of which were appealed to the committee. The committee affirmed the staff decision in five cases and overturned staff's decision in one case.
- 2. **Review of 2021 NCAA Convention proposals potentially impacting the Committee for Legislative Relief.** Staff provided a review of the three proposals that will be presented for a membership vote at the upcoming Convention. Of the three proposals, one of the proposals is expected to impact legislative relief waiver volume. Specifically, the committee reviewed NCAA Division II Proposal No. 2021-1 (various bylaws – student-athlete use of name, image and likeness). It was noted that should the proposal be adopted, it will result in a reduction in name, image and likeness-related waivers for student-athletes.

3. **Update regarding COVID-19.** Staff provided an update from the Division II Administrative Committee on the approved actions related to COVID-19 for the 2020-21 academic year.
4. **Update on the NCAA Division I Committee for Legislative Relief guidelines.** The committee received an update on the Division I Committee for Legislative Relief guidelines updated in June 2020. Revisions included the addition of a guideline surrounding assertions of transfer due to mental health. The committee agreed to discuss potential changes to its guidelines at a future meeting.
5. **Review of Committee for Legislative Relief policies and procedures.** The committee reviewed its policies and procedures and noted the conflict of interest policy. Specifically, the committee reviewed the addition of the requirement that an institution or conference must readdress their position within their written 10-day response when they either deny the use of the one-time transfer exception or oppose the waiver request. The committee confirmed that in instances where the previous institution fails to provide a written 10-day response, the waiver request should be approved.
6. **Update on the Division II legislative relief no case write-up process.** The committee received an update from staff regarding the legislative relief waiver no case write-up process that was implemented during the 2018-19 academic year. The committee affirmed the process to continue, as written.
7. **Review of the May 27, 2020, Committee for Legislative Relief videoconference report.** The committee reviewed and approved its May 27, 2020, videoconference report, as written.
8. **Review of the July/August 2020 NCAA Division II Management Council and Presidents Council summary of actions.** The committee reviewed the summary of actions from the July and August 2020 meetings of the Management Council and the Presidents Council.
9. **Review of the Division II 2020-21 priorities.** Staff provided an overview of the 2020-21 Division II priorities.
10. **Review of the Committee for Legislative Relief roster.** The committee reviewed the updated roster.
11. **Future meeting/teleconference/videoconference schedule.** Staff noted that a teleconference is anticipated in March 2021 and additional information will be provided at a later date.

*Committee Chair: Ellen Fagerstrom, Minnesota State University Moorhead*  
*Staff Liaison(s): Chelsea Hooks, Academic and Membership Affairs*  
*Jordan Lysiak, Academic and Membership Affairs*

<b>NCAA Division II Committee for Legislative Relief September 25, 2020, Videoconference</b>	
<b>Attendees:</b>	
Larry Earnesty, Millersville University of Pennsylvania.	
Ellen Fagerstrom, Minnesota State University Moorhead.	
Matthew Finley, Anderson University (South Carolina).	
Marlon Furlongue, St. Mary's University (Texas).	
Amy Henkelman, Dominican University of California.	
<b>Absentees:</b>	
None.	
<b>Guests in Attendance:</b>	
None.	
<b>NCAA Staff Liaisons in Attendance:</b>	
Chelsea Hooks and Jordan Lysiak.	
<b>Other NCAA Staff Members in Attendance:</b>	
Haydyn Gibson, Brandy Hataway, Maritza Jones, Mckenzie Maneggia, Stephanie Quigg and Angela Red.	

**NCAA DIVISION II COMMITTEE FOR LEGISLATIVE RELIEF  
PREVIOUSLY APPROVED WAIVERS CHECKLIST**  
*Adopted September 2020*

The previously approved waiver process was approved with an immediate effective date by the NCAA Division II Committee for Legislative Relief during its September 25, 2020, meeting. The intent behind this process is to reduce bureaucracy and permit the membership and NCAA staff to work more efficiently in limited circumstances.

Similar to previously approved incidental expense waivers in NCAA Division II Bylaw 16.12, institutions may self-apply, on campus, any previously approved waiver specifically listed below without filing a formal NCAA Division II Committee for Legislative Relief waiver request to the NCAA national office. An institution is only permitted to self-apply relief (approve a waiver request) if the institution's circumstances appear on the list of designated previously approved waivers, and the circumstances satisfy the specified criteria established for the particular previously approved waiver. If an institution's circumstances do not appear on the list of previously approved waivers, or if the circumstances do not satisfy all of the established criteria for a particular previously approved waiver, the institution must submit a formal legislative relief waiver application to the national office for consideration.

An institution that grants relief of NCAA legislation based on the specific previously approved waiver circumstances listed below must submit a report to its conference office on a quarterly basis each year. Institutions are encouraged to call the national office at 317-917-6044 with any questions related to the administration of the previously approved waiver process. The list of previously approved waivers will be updated on an annual basis by staff.

**Bylaw 12.5.1.1: Missed Class Time in Conjunction with a Promotional Activity.**

1. Institution would like student-athlete(s) to miss class to participate in an institutional, charitable, education or nonprofit promotional activity.
2. All other requirements of the promotional activity legislation is satisfied.
3. The institution's faculty athletics representative supports and has approved the request in writing.
4. Institution has obtained written permission from each professor of the classes that each student-athlete(s) will miss due to the activity.
5. See Committee for Legislative Relief RSRO Case Nos. 998292 and 1088414.

**Bylaw 13.11.2.1: Prospective Student-Athlete's Continuation of Tryout on Different Day Due to Inclement Weather.**

1. Institution would like a prospective student-athlete to continue a tryout on a different day due to inclement weather.
2. The prospective student-athlete is unable to participate in a complete tryout (i.e., tryout up to two hours, golf tryout up to five hours) due to inclement weather.
3. The institution must not have had an alternate location to continue the tryout (e.g., indoor facilities).
4. Relief is specific to only the time remaining on the prospective student-athlete's tryout.
5. See Committee for Legislative Relief RSRO Case Nos. 942894 and 1074513.

**Bylaw 16.8.1: Institution Providing Actual and Necessary Expenses to A Student-Athlete Not Eligible for Competition When the Travel is Necessary (e.g., Health and Safety).**

1. Institution would like to provide actual and necessary expenses to permit a student-athlete, who is ineligible for competition, to travel with his or her team due to the health and safety of the student-athlete.
2. Institution has on file a written statement from the faculty athletics representative stating that he/she does not object to the student-athlete traveling while ineligible.
3. Institution has on file documentation addressing why it is necessary for the student-athlete to travel with the team (e.g., medical documentation).
4. Student-athlete may not participate in practice or competition associated with the travel.
5. See Committee for Legislative Relief RSRO Case Nos. 982600, 1001573, 1004586, 1044650 and 1073283.

**Bylaw 17.1.6.8.2: Permit a Student-Athlete to Miss Class Time to Participate in Competition During the Nonchampionship Segment Due to A Catastrophic Event Resulting in Institutional Closure – Team Sports.**

1. Institution would like to permit student-athlete(s) to miss class to participate in a previously scheduled date(s) of competition or contest(s) during the nonchampionship segment but due to the closure of the institution, the institution's make-up class schedule conflicts with the previously scheduled date(s) of competition or contest(s).

2. The institution has documentation that the date of competition or contest was previously scheduled.
3. The institution's closure was due to a catastrophic event (e.g., hurricane, wildfires, pandemic).
4. The institution's faculty athletics representative supports and has approved the request in writing.
5. Institution has obtained written permission from each professor of the classes that each student-athlete(s) will miss.
6. Relief is specific to those team sports impacted and for the specific date(s) of competition or contest(s).
7. See Committee for Legislative Relief RSRO Case Nos. 987067, 989328, and 1078461.

**Bylaws 17.3.8, 17.5.8, 17.7.8, 17.10.8, 17.12.8, 17.15.8, 17.17.8, 17.20.8, 17.21.8, 17.23.8, and 17.26.2.8: Participation in Countable Athletically Related Activities Beyond the Legislated Period Outlined in The Nonchampionship Segment Activities Legislation.**

1. Institution would like to participate in countable athletically related activities beyond the 45- or 60-consecutive calendar day period.
2. The request is specific to those instances where an institution was closed due to a catastrophic event (e.g., hurricane, wildfires, pandemic) and the institution lost days within their 45- or 60-consecutive calendar day period due to the closure.
3. Institution can only extend the nonchampionship segment in the impacted sport(s) by the number of days missed due to the closure of the institution.
4. See Committee for Legislative Relief RSRO Case Nos. 984951, 985129, 985665, 985818, 988770, 989920, 992536, 1031771, and 1081783.

[References: NCAA Division II Bylaws 12.5.1.1 (institutional, charitable, educational or nonprofit promotions), 13.11.2.1 (tryout), 16.8.1 (permissible), 17.1.6.8.2 (no class time missed for competition in nonchampionship segment – team sports), 17.3.8 (out-of-season and nonchampionship segment athletically related activities), 17.5.8 (out-of-season and nonchampionship segment athletically related activities), 17.7.8 (out-of-season and nonchampionship segment athletically related activities), 17.10.8 (out-of-season and nonchampionship segment athletically related activities), 17.12.8 (out-of-season and nonchampionship segment athletically related activities), 17.15.8 (out-of-season and

nonchampionship segment athletically related activities), 17.17.8 (out-of-season and nonchampionship segment athletically related activities), 17.20.8 (out-of-season and nonchampionship segment athletically related activities), 17.21.8 (out-of-season and nonchampionship segment athletically related activities), 17.23.8 (out-of-season and nonchampionship segment athletically related activities), and 17.26.2.8 (out-of-season and nonchampionship segment athletically related activities – women)]



Type: Educational Column

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

Division: II

Date Issued: September 25, 2020

Date Published: October XX, 2020

Item Ref No: 1

Text:

Effective October 1, 2008, NCAA Division II institutions should note that the NCAA Division II Committee for Legislative Relief 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 website ([www.ncaa.org](http://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.

5. Necessary transportation expenses (e.g., flights to/from campus) for student-athletes to ensure their health and well-being during a catastrophic event\*.

#### 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.
5. To reimburse a student-athlete for any cost paid for a foreign tour that is cancelled due to a catastrophic event\*.

#### 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 \$50.
2. To permit an institution to provide housing and meals to a student-athlete during a catastrophic event.

\* A catastrophic event as defined by the Federal Emergency Management Agency is "any natural or manmade incident, including terrorism, that results in extraordinary levels of mass casualties, damage or disruption severely impacting the population, infrastructure, environment, economy, national morale and/or government functions."

#### Legislative References

Legislative Cite	Title
16.12.1.1	Previously Approved Incidental Expenses.
13.2	Offers and Inducements.
16.12	Expense Waivers.
13.15	Financial Assistance to a Prospective Student-Athlete or Prospective Student- Athlete's High School.