



**REPORT OF THE
NCAA DIVISION II COMMITTEE ON STUDENT-ATHLETE
REINSTATEMENT JUNE 11-12, 2019, MEETING**

ACTION ITEMS.

1. Legislative items.

a. Noncontroversial Legislation – NCAA Division II Bylaw 12.4.2.2 – Amateurism – Employment – Specifically Related Employment Activities – Fee-for-Lesson Instruction – Restitution Proposal.

- (1) Recommendation. Adopt noncontroversial legislation to amend NCAA Division II Bylaw 12.4.2.2 (fee-for-lesson instruction) to specify that for violations of the fee-for-lesson instruction legislation in which the value of the benefit is \$200 or less, the eligibility of the individual shall not be affected, conditioned on the individual repaying the value of the benefit to a charity of his or her choice.
- (2) Effective date. Immediate.
- (3) Rationale. Currently, violations of the fee-for-lesson instruction legislation, involving any dollar value, require an institution to file a student-athlete reinstatement request for the involved student-athlete to be eligible for competition. However, the NCAA student-athlete reinstatement staff typically reinstates the eligibility of the involved student-athlete based on repayment when the value of the impermissible compensation received is \$200 or less. This change will reduce bureaucracies and increase efficiencies for institutions. It was also noted that impermissible compensation to student-athletes must continue to be reported to the NCAA enforcement staff. This proposed change is not retroactive to violations that occurred prior to the adoption of the legislative change.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

b. Noncontroversial Legislation – NCAA Division II Bylaw 14.2.5.1.1 – Eligibility – Seasons of Competition: 10-Semester/15-Quarter Rule – Hardship Waiver – Administration of Hardship Waiver – Administration of Hardship Waiver for Injury or Illness Occurring at a Non-NCAA Institution – Elimination of Requirement to Apply for Hardship Waiver Through Conference Office or the NCAA Division II Committee on Student-Athlete Reinstatement.

- (1) Recommendation. Adopt noncontroversial legislation to eliminate Bylaw 14.2.5.1.1 (administration of hardship waiver for injury or illness occurring at a non-NCAA institution) specifying that an NCAA institution must apply for a hardship waiver through its conference office or, in the case of an independent institution, the NCAA Division II Committee on Student-Athlete Reinstatement, for a student-athlete who was previously granted a hardship waiver at the non-NCAA institution.
- (2) Effective date. Immediate, for a student-athlete who initially enrolls at a non-NCAA institution during the 2020-21 academic year and thereafter.
- (3) Rationale. Current legislation requires a Division II institution to file a hardship waiver with its conference for student-athletes who received an approved hardship waiver from a non-NCAA institution. A Division II institution should not have to file a hardship waiver with its conference office when the involved student-athlete previously received a hardship waiver from the non-NCAA institution. This recommendation aligns with proposed 2020 NCAA Convention legislation specific to seasons of competition involving student-athletes who transfer from a non-Division II institution. Finally, eliminating this requirement may reduce burden on compliance administrators and conference offices and enhance student-athlete well-being.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

2. Nonlegislative items.

- None.

INFORMATIONAL ITEMS.

1. **Discussion of season-of-competition waivers, competition while eligible involving documented coach's misunderstanding.** The committee affirmed the current guideline and agreed staff should not impose a withholding condition when a season-of-competition – competition while eligible waiver is approved based on documented coach's misunderstanding of the legislation.
2. **Update on waivers processes involving mental health diagnoses.** The committee received an update on the mental health waiver think tank, a collaboration between NCAA

waiver staff and NCAA Sport Science Institute, specific to waivers involving mental health diagnoses.

3. **Amateurism certification process case update.** The committee received an update on amateurism certification case decisions, including appeals heard by the committee, for the 2018-19 academic year.
4. **Review dollar-value withholding guidelines.** The committee amended its dollar-value withholding guideline as follows:

Previous Guideline	Amended Guideline
Greater than \$200 to \$400 = repayment and 10% withholding	Greater than \$200 to \$500 = repayment and 10% withholding
Greater than \$400 to \$700 = repayment and 20% withholding	Greater than \$500 to \$800 = repayment and 20% withholding
Greater than \$700 = repayment and 30% withholding	Greater than \$800 = repayment and 30% withholding

Based on the above amendment to the dollar-value withholding guidelines, the committee agreed to the same changes to its guideline for service learning.

5. **Review of 50% threshold in withholding guideline and use of a season of competition.** The committee reviewed its 50% withholding threshold guideline for cases involving limited participation by a student-athlete while ineligible for the entire season due to not meeting academic requirements or when the student-athlete should have been serving a year in residence. The committee updated its guideline to clarify that in situations in which the institution elects to apply the flexibility allowed by the 50% threshold guideline, the institution may not request a season of competition waiver for that season. Additionally, the committee directed staff to include as a condition of reinstatement that the student-athlete has used a season of competition for the season in question.
6. **Review of the Division II guidelines document.** The committee reviewed and approved editorial revisions to the NCAA Division II Committee on Student-Athlete Reinstatement guidelines.
7. **Review repayment and service-learning plan ban policy.** The committee reviewed and affirmed its four-year ban policy for an institution whose student-athlete defaults on a repayment and/or service-learning plan.

8. **Review of flexible case decisions.** The committee reviewed staff decisions for which the staff provided relief from established case precedent and/or committee guidelines or where no case precedent existed.
9. **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.
10. **Review of policies and procedures.** The committee reviewed and approved revisions to the NCAA Division I, II and III Committees on Student-Athlete Reinstatement Policies and Procedures.
11. **Continuing education.** The Division II championships and alliances staff provided the committee with continuing education specific to Division II nullification.
12. **Division II summary of legislative actions.** The committee received an update on recently adopted Division II legislation.
13. **Review December 2018 governance report.** The committee reviewed and approved the report from its December 2018 in-person meeting.
14. **Division II strategic plan and governance update.** The committee received an update on the Division II strategic plan.
15. **Review philosophy statement.** The committee reviewed the student-athlete reinstatement philosophy statement.
16. **Litigation update.** The committee received a litigation update from NCAA vice president of law, policy and governance.
17. **Review Conflict of Interest Policy.** The committee reviewed its Conflict of Interest Policy.
18. **Other business.** The committee elected Daniel Mara, commissioner, Central Atlantic Collegiate Conference, as chair.
19. **Future meetings.** The committee established the following future meeting dates and locations:
 - a. November 19-20, 2019, Indianapolis.
 - b. May 13-14, 2020, Indianapolis.

Committee Chair: Joel Isaacson, Michigan Technological University.
Staff Liaison(s): Danielle Teetzel, Academic and Membership Affairs.
Jess Rigler, Academic and Membership Affairs.
Julie Sargent, Academic and Membership Affairs.

NCAA Division II Committee on Student-Athlete Reinstatement June 11-12, 2019, Meeting	
Attendees:	
Teresa Clark, Cedarville University.	
Marcus Grant, Central Intercollegiate Athletic Association.	
Jessica Harbison-Weaver, California Collegiate Athletic Association.	
Joel Isaacson, Michigan Technological University.	
Daniel Mara, Central Atlantic Collegiate Conference.	
Kate Pigsley, Southern New Hampshire University.	
Absentees:	
None.	
Guests in Attendance:	
None.	
NCAA Support Staff in Attendance:	
Jess Rigler, Julie Sargent and Danielle Teetzel.	
Other NCAA Staff Members in Attendance:	
Geoff Bentzel, Stephanie Quigg and Molly Simons.	