



**REPORT OF THE  
NCAA DIVISION II COMMITTEE ON STUDENT-ATHLETE  
REINSTATEMENT DECEMBER 4-5, 2018, MEETING**

**ACTION ITEMS.**

- **Legislative items.**
  - a. **2020 NCAA Convention Legislation – NCAA Division II Bylaw 14.2.4 – Eligibility – Seasons of Competition: 10-Semester/15-Quarter Rule – Criteria for Determining Season of Eligibility – Transfer from a Non-Division II Institution.**
    - (1) Recommendation. Sponsor legislation for the 2020 NCAA Convention to amend Bylaw 14.2.4 (criteria for determining season of eligibility) to specify that the Division II season of competition standard does not apply to a transfer student-athlete's previous participation in a non-Division II institution; further, to specify that a transfer student-athlete is subject to the legislation that applied to the previous institution during the term(s) of participation.
    - (2) Effective date. Immediate, for a student-athlete who transfers to a Division II institution during the 2018-19 academic year and thereafter.
    - (3) Rationale. Current Division II legislation requires institutions to re-assess a transfer student-athlete's participation history prior to his or her enrollment at the Division II institution to determine if the transfer student-athlete used a season of competition based on Division II legislation. The NCAA Division II Committee on Student-Athlete Reinstatement agreed that an NCAA student-athlete's participation should be assessed based on the legislation at the NCAA division where the participation occurred. This change is consistent with the philosophy of the division.
    - (4) Estimated budget impact. None.
    - (5) Student-athlete impact. None.
  - b. **Noncontroversial Legislation – Bylaw 14.2.2.4.1.4.1 – Eligibility – Ten-Semester/15-Quarter Rule – Waiver – Student-Athlete Who Does Not Use Season of Competition During Initial Year of Collegiate Enrollment – Application of Waiver – Elimination of Requirement That Waiver Must Be Used at the Institution Where Student-Athlete Exhausted 10th Semester or 15th Quarter.**

- (1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 14.2.2.4.1.4.1 (application of waiver) to eliminate the requirement that a 10-semester/15-quarter waiver request, in circumstances when a student-athlete does not use a season of competition during their initial year of collegiate enrollment, shall be applied at the institution where the student-athlete exhausted his or her 10th semester or 15th quarter of full-time enrollment.
  - (2) Effective date. Immediate, for student-athletes who initially enroll full time in a collegiate institution during the 2019-20 academic year and thereafter.
  - (3) Rationale. Per current legislation, student-athletes who do not compete during their initial year of collegiate enrollment, and due to circumstances beyond their control are not able to complete four seasons of competition prior to the expiration of their intercollegiate eligibility, receive an eligibility extension that must be used during the next available opportunity at the institution where the student-athlete exhausted his or her 10th semester or 15th quarter of full-time enrollment. The Committee on Student-Athlete Reinstatement agreed that a student-athlete who receives this type of extension should not be treated differently from other student-athletes who receive an extension based on demonstrating more than one circumstance beyond his or her control that causes a missed participation opportunity (Bylaw 14.2.2.4.1). As such, the committee agreed that when extensions of eligibility waivers are approved, the student-athlete should be permitted to use that eligibility extension at any institution. The committee also noted that these eligibility extensions must be used at the student-athlete's next available opportunity. Further, the committee agreed this change supports student-athlete well-being.
  - (4) Estimated budget impact. None.
  - (5) Student-athlete impact. None.
- c. **Noncontroversial Legislation – Bylaw 14.2.5.2.5 – Eligibility – Hardship Waiver – Criteria for Hardship Waiver Calculation – Percent Calculation – Elimination of Alumni Contests, Fundraising Activities and Celebrity Sports Activities from the Percent Calculation.**
- (1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 14.2.5.2.5 (percent calculation) to eliminate an alumni contest, fundraising activity or celebrity sports activity from the hardship waiver percent calculation.

- (2) Effective date. Immediate, for student-athletes who initially enroll full time in a collegiate institution during 2019-20 academic year and thereafter.
- (3) Rationale. When determining the percent calculation under the current hardship waiver legislation, institutions must include all contests and dates of competition (excluding scrimmages and exhibition contests per Bylaw 17 in the applicable sport) against outside participants during the playing season. The Committee on Student-Athlete Reinstatement noted an alumni contest, a fundraising activity and a celebrity sports activity are often informal and should be treated like scrimmages and exhibition contests (per Bylaw 17) which are currently excluded from the percent calculation. Further, the committee noted these events do not count toward an institution's overall record for championships selection. The committee agreed that removing these contests from the percent calculation for the hardship waiver supports student-athlete well-being. Finally, the committee agreed that all other annual exemptions, including conference challenge events, shall be counted in the percent calculation in determining whether a student-athlete meets the criteria for a hardship waiver.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

**d. Noncontroversial Legislation – Bylaw 12.4.1 – Amateurism – Criteria Governing Compensation to Student-Athletes – Restitution.**

- (1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 12.4.1 (criteria governing compensation to student-athletes) to specify that violations of the legislation related to employment and compensation to student-athletes shall be a "restitution" provision (if the value of the benefit is \$200 or less; eligibility is not affected; provided value is paid to a charity).
- (2) Effective date. Immediate, for violations that occur on or after the date of adoption of the noncontroversial proposal.
- (3) Rationale. Current violations of Bylaw 12.4.1, 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 Committee on Student-Athlete Reinstatement noted the 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. The committee agreed this proposal reduces bureaucracies

and increases efficiencies for Division II institutions. The committee also noted that impermissible compensation to student-athletes must continue to be reported to the NCAA enforcement staff and the proposed change is not retroactive.

(4) Estimated budget impact. None.

(5) Student-athlete impact. None.

### **INFORMATIONAL ITEMS.**

1. **Review Committee on Student-Athlete Reinstatement May 2018 report.** The committee reviewed and approved the report from its May 2018 in-person meeting.
2. **Review committee's philosophy statement.** The committee reviewed its philosophy statement.
3. **Waivers approved in one division and student-athlete transfers to another division.** The committee reviewed cases in which a waiver is approved for a student-athlete who subsequently transfers to an institution in another division. The committee determined that all waivers approved by the committee are applicable at any NCAA institution.
  - **Use of a season of competition when a student-athlete transfers to another division.** The committee discussed situations involving season-of-competition waivers for student-athletes who did not use a season of competition based on the legislation applicable to the division where the student-athlete's participation occurred, but retroactively the student-athlete used that season of competition upon transfer to the Division II institution. The committee directed the reinstatement staff to review season-of-competition waivers involving these circumstances based on the totality of circumstances until the Division II governance structure reviews its recommendation to sponsor 2020 Convention legislation and that legislation is acted on. [See Legislative Action Item No. 1-(a).]
4. **Update on hardship waiver case summary.** The committee received an update on the hardship waiver appeal summary format.
5. **Review of cases involving violations of Bylaw 12.4.1 (criteria governing compensation to student-athletes).** The committee reviewed cases involving student-athletes who receive compensation for work not actually performed or who are paid higher than the going rate for similar services. The committee instructed staff to require repayment as the only condition of reinstatement for a student-athlete whose impermissible benefit is \$200 or less. Further, the committee adopted the current extra benefits dollar-value withholding

guidelines for violations of Bylaw 12.4.1 where the value is greater than \$200. [See Legislative Action Item No. 1-(d).]

6. **Update on college basketball reform.** The committee received an update from staff on educational materials specific to actions resulting from the Commission on College Basketball report.
7. **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.
8. **Review of reinstatement guidelines.** The committee reviewed and approved editorial revisions to the NCAA Division II Committee on Student-Athlete Reinstatement Guidelines.
9. **Review of flexible case decisions.** The committee reviewed staff decisions for which the reinstatement staff provided relief from established case precedent and/or committee guidelines or where no case precedent existed.
10. **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.
11. **Review of policies and procedures.** The committee reviewed and approved editorial revisions to the NCAA Divisions I, II and III Committees on Student-Athlete Reinstatement Policies and Procedures. The committee amended policies and procedures specific to the following: (1) required institutional representatives on teleconference appeals; and (2) default on repayment and/or community service/service learning plans. The committee also created a policy specifying that final reinstatement decisions will be codified in Requests/Self Reports Online.
12. **Division II governance update.** Staff provided an update on the 2018-19 Division II Priorities.
13. **Continuing education.** The staff provided the committee with continuing education specific to crowdfunding and promotional activities.
14. **Division II summary of legislative actions.** The committee received an update on recently adopted legislation relevant to student-athlete reinstatement.
15. **Litigation update.** Staff provided a litigation update.

**16. Review Conflict of Interest Policy.** The committee reviewed its Conflict of Interest Policy.

**17. Future meetings.** The committee established the following future meeting dates and locations:

- June 11-12, 2019, Indianapolis; and
- November 19-20, 2019, Indianapolis.

*Committee Chair: Joel Isaacson, Michigan Technological University*  
*Staff Liaisons: Danielle Teetzel, Academic and Membership Affairs*  
*Jess Rigler, Academic and Membership Affairs*  
*Julie Sargent, Academic and Membership Affairs*

<b>NCAA Division II Committee on Student-Athlete Reinstatement December 4-5, 2018, Meeting</b>
<b>Attendees:</b>
Teresa Clark, Cedarville University.
Marcus Grant, Central Intercollegiate Athletic Association.
Jessica Harbison Weaver, Concordia University Portland.
Joel Isaacson, Michigan Technological University.
Daniel Mara, Central Atlantic Collegiate Conference.
Anthony Sassano, Dominican University of California.
<b>Absentees:</b>
None.
<b>Guests in Attendance:</b>
None.
<b>NCAA Support Staff in Attendance:</b>
Jess Rigler, Julie Sargent and Danielle Teetzel.
<b>Other NCAA Staff Members in Attendance:</b>
Geoff Bentzel, Maritza Jones and Stephanie Quigg Smith.