



**REPORT OF THE
NCAA DIVISION II STUDENT-ATHLETE REINSTATEMENT COMMITTEE
DECEMBER 5, 2024, VIDEOCONFERENCE**

ACTION ITEMS.

1. Legislative Item.

- **Noncontroversial Legislation -- NCAA Division II Bylaws 13.9.1.4.4 and 16.01.1.1 -- Recruiting and Awards, Benefits and Expenses for Enrolled Student-Athletes -- Elimination of Requirement to Send Repayment Documentation.**
 - (1) Recommendation. Adopt noncontroversial legislation to eliminate the requirement that an institution must send documentation of a prospective student-athlete's and student-athlete's repayment of an impermissible benefit to the NCAA enforcement staff; further, to specify that documentation of the prospective student-athlete's and student-athlete's repayment shall be kept on file by the institution.
 - (2) Effective date. Immediate.
 - (3) Rationale. Under current legislation, an institution is required to send documentation of a prospective student-athlete's and student-athlete's repayment of an impermissible benefit to the enforcement staff. The enforcement staff have been trying to modernize legislation to no longer require institutions to send proof of repayment by prospective student-athletes and student-athletes to enforcement when reporting institutional violations that impact eligibility but allow for use of the restitution provisions. Eliminating the requirement that an institution must send repayment documentation to the enforcement staff would reflect the long-standing practice of not requiring proof of restitution along with the self-report. Further, requiring an institution to keep the repayment documentation on file is consistent with the adoption of NCAA Division II Proposal No. NC-2020-48 (various bylaws -- eliminate requirements to report and keep on file). Finally, removing the reporting requirement will not absolve an institution from having to file an institutional violation.
 - (4) Estimated budget impact. None.
 - (5) Student-athlete impact. None.

2. Nonlegislative Items.

- None

INFORMATIONAL ITEMS.

1. **Review of NCAA Division II Committees on Student-Athlete Reinstatement policies and procedures.** The committee reviewed and approved substantive changes to their policies and procedures including federating them from the NCAA Division I and Division III Committees on Student-Athlete Reinstatement.
2. **Review of NCAA Division II Student-Athlete Reinstatement Committee Guidelines.** The committee reviewed its current guidelines philosophically and provided feedback regarding whether modifications to starting points was warranted to better align them with the changing environment and needs of modern student-athletes. Specifically, the committee affirmed part B and C of amateurism issues post enrollment, 14.2.3 (competition while enrolled less than full-time). Additionally, the committee directed NCAA reinstatement staff to draft updated guidelines pertaining to part A and B of amateurism issues post enrollment, 14.1.1.5 (eligibility for practice and competition), miscertification of amateur status, 12.5 (promotional activities), 14.2.8 (freshman eligibility violations), 14.2.9 (progress-toward-degree), 14.3 (transfer violations), academic year-of-residence and sit-a-season penalties and pre-enrollment academic misconduct for review during a future meeting.
3. **Review of flexible decisions.** The committee reviewed common fact patterns and cases approved based on totality of the circumstances and directed reinstatement staff to begin deciding cases with similar fact patterns using case precedent as a rationale.
 - a. The committee shifted rationale basis from totality of circumstances to be based on case precedent for extension of eligibility waivers involving: (1) Use of contemporaneous and noncontemporaneous medical documentation and other supporting documentation demonstrating the student-athlete was incapacitated; (2) Student-athlete was unable to use an extension previously granted due to a circumstance outside of the control of the student-athlete or institution that is not just a redshirt; (3) Extraordinary circumstances existed that prevented the student-athlete from being on a team and but for those circumstances, the student-athlete would have qualified for a self-applied COVID-19 extension; (4) A student-athlete has one denied participation opportunity and the other denied participation opportunity is when an institution cancelled a season; and (5) Student-athlete has one denied participation opportunity and the other denied participation opportunity is when an institution is unable to provide a squad list from a junior college but is able to provide other documentation from an appropriate source demonstrating the student-athlete was a member of the team and otherwise academically and athletically eligible to compete.
 - b. The committee shifted rationale basis from totality of circumstances to be based on case precedent for hardship waivers and appeals involving: (1) Student-athlete's competition meets legislated limits and institution provides contemporaneous and

noncontemporaneous medical documentation and other supporting documentation demonstrating the student-athlete was incapacitated; and (2) The student-athlete is cleared for less than 30% of a season and the student-athlete's participation does not occur during postseason (conference or NCAA/other championships); and (3) The student-athlete meets legislative percentage but competition in second half.

- c. The committee shifted rationale basis from totality of circumstances to be based on case precedent for season of competition waivers involving: (1) Student-athlete's competition meets legislated limits and institution provides contemporaneous and noncontemporaneous medical documentation supporting a life threatening injury or illness occurred to student-athlete's family member that resulted in student-athlete's limited competition; and (2) Student-athlete's competition meets legislated limits and institution provides contemporaneous and noncontemporaneous medical documentation and other supporting documentation demonstrating student-athlete's mental health led to the student-athlete's limited participation.
 - d. The committee shifted rationale basis from totality of circumstances to be based on case precedent for reinstatement requests involving the following circumstances: (1) Student-athlete returns apparel to institution or repays institution value of impermissible benefit prior to seeking reinstatement; (2) Student-athlete uses final term exception but fails to complete all graduation requirements but subsequently completes degree requirements prior to the following season; (3) Institution purchases airline tickets for someone other than what is permitted by legislation for an official visit; (4) Student-athlete competes prior to receiving an extension of eligibility waiver and one is subsequently approved and (5) Student-athlete received aid as a part-time student and legislative relief waiver team would have approved a legislative relief waiver.
4. **Review of Division II Bylaws 13.9.1.4.4 (restitution) and 16.01.1.1 (restitution for receipt of impermissible benefits).** The committee received a presentation from the enforcement staff to consider recommending noncontroversial legislation to amend Bylaws 13.9.1.4.4 and 16.01.1.1. The changes to those bylaws would allow for an institution to keep on file at the institution that the prospective student-athlete and student-athlete made repayment and would not require that documentation be forwarded to the enforcement staff when a prospective student-athlete and student-athlete receives an impermissible benefit of \$200 or less. The committee recommended noncontroversial legislation to remove the requirement that repayment of an impermissible benefit must be sent to the enforcement staff (see Legislative Action Item).
5. **Review recommendation from the NCAA Committee on Women's Athletics related to emerging sport and extension of eligibility waiver requests.** The committee reviewed a recommendation from the Committee on Women's Athletics related to limited flexibility

for student-athletes requesting an extension of eligibility waiver for student-athletes who compete in an emerging sport and have at least two denied participation opportunities prior to the sport becoming part of the emerging sport program. The committee directed reinstatement staff to apply the extension of eligibility waiver legislation related to what is considered a circumstance within the control of the student-athlete or the institution or a circumstance beyond the student-athlete's or institution's control to sports that become an emerging sport the same way they would an already established NCAA sport.

6. **Review of the committee's guideline related to outside competition.** The committee reviewed its guideline related to outside competition. Specifically, the committee directed reinstatement staff to review outside competition violations on a case-by-case basis with reinstatement staff beginning their analysis at requiring student-athletes to provide rules education to their teammates. Additionally, the committee determined that if the facts of a particular case suggest the student-athlete had a high level of culpability, withholding one contest, or one date of competition, for each date in which the student-athlete competed should be considered.
7. **Update from Division II Governance.** The committee received an update regarding the summer and fall 2024 summary of actions from the Division II Management Council and Division II Executive Board meetings. In addition, the committee received an update on the 2024-25 Division II Priorities. Finally, the committee received an update regarding the current review of the sports wagering legislation in Division II, as well as next steps.
8. **Update from the NCAA Office of Legal Affairs.** The committee received an update from the office of legal affairs.
9. **Review of the NCAA Division II Student-Athlete Reinstatement Committee Guidelines.** The committee reviewed and approved editorial revisions to its NCAA Division II Student-Athlete Reinstatement Committee Guidelines.
10. **NCAA Division II Legislation.** The committee received an update on legislative actions relevant to student-athlete reinstatement.
11. **Approval of the May 15-16, 2024, in-person meeting report, September 6, 2024, and October 30, 2024, videoconference meeting reports of the Student-Athlete Reinstatement Committee.** The committee reviewed and approved its May 15-16, 2024, in-person and September 6 and October 30, 2024, videoconference meeting reports.
12. **Review of flexible student-athlete reinstatement decisions.** The committee reviewed recent reinstatement staff decisions that provided relief from established case precedent and/or committee guidelines.

13. Future meetings. The committee established the following future meeting dates:

- a. May 15, 2025, videoconference; timing to be determined.
- b. November/December 2025 videoconference; timing to be determined.

Committee Chair: Lynn Griffin, Coker University.
Staff Liaison(s): Tianna Hill, Academic and Membership Affairs.
Jess Rigler, Academic and Membership Affairs.

NCAA Division II Student-Athlete Reinstatement Committee December 5, 2024, Videoconference	
Attendees:	
Shareef Amer, California State University, San Bernardino.	
Addison Courtney, Fairmont State University.	
Lynn Griffin, Coker University.	
Jerry Haywood, Fort Valley State University.	
Roberta Page, Slippery Rock University of Pennsylvania (<i>Management Council chair</i>).	
Denise Wisniewski, Chestnut Hill College.	
Absentees:	
Chad Williams, Pennsylvania Western University, Edinboro.	
Guests in Attendance:	
None.	
NCAA Support Staff in Attendance:	
Tianna Hill and Jess Rigler.	
Other NCAA Staff Members in Attendance:	
Cynthia Alanis, James Bullock, McKinzie Green, Kelly Groddy, Chelsea Hooks, Maison Hubbard, Maritza Jones, Liz Perry, Jared Tidemann, Angela Red, Sean Tuttle and Jerry Vaughn.	