

REPORT OF THE  
NCAA DIVISION II STUDENT-ATHLETE REINSTATEMENT COMMITTEE  
DECEMBER 2, 2025, VIDEOCONFERENCE

**ACTION ITEMS.**

**1. Legislative Items.**

- None.

**2. Nonlegislative Items.**

- **NCAA Division II Student-Athlete Reinstatement Committee Guidelines.**

- (1) Recommendation. That the NCAA Division II Management Council approve the updated guidelines, as specified [ Attachment].
- (2) Effective date. Immediate.
- (3) Rationale. As a result of the recent merger of the NCAA academic and membership affairs and governance departments, into the newly formed, governance and member services, an update to the Student-Athlete Reinstatement Committee's guidelines is necessary to account for the change. Further, the committee's guidelines were amended to account for recent legislative changes. Lastly, an update to the committee's guidelines is necessary to best address the needs of student-athletes involved in student-athlete reinstatement waivers.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

**INFORMATIONAL ITEMS.**

1. **Update on the 2026 NCAA Convention Division II proposals.** The committee received an update on the 17 proposals that will be voted on by the Division II membership at the 2026 Convention. Specifically, the committee reviewed NCAA Division II Proposal No. 2026-6 (eligibility -- athletics eligibility -- seasons of competition: 10-semester/15-quarter -- five seasons of competition in 10-semesters/15-quarters). The committee also reviewed the question and answer document. Finally, the committee discussed that potential changes would be needed to its guidelines if Proposal No. 2026-6 is adopted.
2. **Update on sports wagering legislation and review of concepts related to safe harbor and limited immunity.** The committee received an update on Proposal No. NC 2027-1

(ethical conduct -- sports wagering activities -- elimination of prohibition on professional sports). Specifically, it was noted that Division I rescinded its recent action to allow for sports wagering on professional sports. As a result, since the sports wagering legislation is common, the rule change will not move forward in any division. Additionally, the committee provided feedback on concepts regarding ways to address penalties for student-athletes and others who engage in prohibited sports wagering activities and may be experiencing issues related to problem gambling. The committee will continue its discussion at a future meeting.

- 3. Review of the Student-Athlete Reinstatement Committee Guidelines.** The committee reviewed and approved an updated version of its guidelines. [See Nonlegislative Action Item].
- 4. Review of the Student-Athlete Reinstatement Committee's policies and procedures.** The committee reviewed and approved an updated version of its policies and procedures.
- 5. Update on the Student-Athlete Reinstatement Appeal Process.** The committee discussed its current student-athlete reinstatement appeals process. In an effort to streamline and create efficiencies in the process, the committee approved changes to its appeals process, effective January 2026.
- 6. Review of the 2025-26 Division II Priorities.** The committee received an update on the Division II priorities for the upcoming year.
- 7. Review of the summer and fall 2025 NCAA Division II Executive Board and Management Council summary of actions.** The committee received an update on the summary of actions from the summer and fall 2025 meetings of the Executive Board and Management Council.
- 8. Review of student-athlete reinstatement cases approved based on flexible decisions and totality.** The committee reviewed recent Division II governance and member services staff decisions that provided relief from established case precedent and/or committee guidelines.
- 9. Update from the NCAA Office of Legal Affairs.** The committee received an update from the office of legal affairs.
- 10. Approval of the Student-Athlete Reinstatement Committee's May 15, 2025, videoconference report.** The committee reviewed and approved its May 15, 2025, videoconference report.

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Reinstatement Committee

December 2, 2025, Videoconference

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**11. Future meetings.**

- a. May/June 2026, videoconference; date and timing to be determined.
- b. November/December 2026, videoconference; date and timing to be determined.

*Committee Chair:* *Lynn Griffin, Coker University.*

*Staff Liaison(s):* *Jess Rigler, Division II Governance and Member Services.*

*Sean Tuttle, Division II Governance and Member Services.*

<b>NCAA Division II Student-Athlete Reinstatement Committee</b> <b>December 2, 2025, Videoconference</b>	
<b>Attendees:</b>	
Shareef Amer, California State University, San Bernardino.	
Addison Courtney, Fairmont State University.	
Lynn Griffin, Coker University.	
Jerry Haywood, Fort Valley State University.	
Denise Wisniewski, Chestnut Hill College.	
<b>Absentees:</b>	
Chad Williams, Pennsylvania Western University, Edinboro.	
<b>Guests in Attendance:</b>	
None.	
<b>NCAA Support Staff in Attendance:</b>	
Jess Rigler and Sean Tuttle.	
<b>Other NCAA Staff Members in Attendance:</b>	
Terri Steeb Gronau, Clint Hangebrauck, Mark Hicks, Chelsea Hooks, Maritza Jones, Angela Red, Jared Tidemann and Carey Wheelhouse.	



**NCAA DIVISION II STUDENT-ATHLETE  
REINSTATEMENT COMMITTEE GUIDELINES**  
Revised December 2025

**Student-Athlete Reinstatement Philosophy**

The NCAA Division II Student-Athlete Reinstatement Committee subscribes to the students-first philosophy, ensuring the individual student-athlete as well as the general student-athlete body is at the forefront of each decision. With respect to a violation, the committee and NCAA Division II governance and member services staff attempts to place the student-athlete back in the position they would have been prior to the violation occurring. Overall, the committee and Division II governance and member services staff conduct their work by evaluating the totality of the circumstances surrounding each case and reaching an outcome that considers the well-being of the involved student-athlete while maintaining fairness.

**NCAA DIVISION II BYLAW 10 GUIDELINES.**

**1. Bylaw 10.1 (Unethical Conduct).**

**See Academic Misconduct Guidelines Section of this Document for Unethical Conduct Related to Academic Misconduct Violations.**

Guidelines for violations involving prospective and enrolled student-athletes (effective for all violations occurring prior to August 1, 2017):

- Bylaw 10.1-(c) (knowingly furnishing or knowingly influencing others to furnish the NCAA or the individual's institution false or misleading information concerning an individual's involvement in or knowledge of matters relevant to a possible violation of an NCAA regulation) and 10.1-(g) (failure to provide complete and accurate information to the NCAA, the NCAA eligibility center or the member institution's athletics department).
  - (1) The NCAA Division II Student-Athlete Reinstatement Committee affirmed the starting point is sit-a-year, charge-a-year and advised the Division II governance and member services staff to consider permanent ineligibility if the violation is egregious in nature. (May 2008, affirmed December 2011)
  - (2) The Division II governance and member services staff may consider increasing the starting point withholding condition when any of the following factors apply:
    - (a) Student-athlete/prospective student-athlete acted actively and deliberately to conceal, omit or provide inaccurate or false information;

- (b) Student-athlete/prospective student-athlete had multiple opportunities to correct or provide accurate information; or
- (c) Student-athlete/prospective student-athlete provided incomplete or inaccurate information to the NCAA enforcement or NCAA amateurism certification staffs. (December 2011)

2. **All Other Violations of Bylaw 10.1 (not specified above) and not Related to Academic Misconduct.** The committee determined the starting point for Bylaw 10.1 should be sit-a-year, charge-a-year and advised the ~~Division II governance and member services~~ staff to consider permanent ineligibility if the violation is egregious in nature. (May 2008, affirmed December 2011)

3. **Bylaw 10.3 (Sport Wagering Activities).**

- a. Legislated Minimum Penalty for Violations Occurring Prior to April 25, 2018.

The legislated minimum penalty for a student-athlete who engaged in activities designed to influence the outcome of an intercollegiate contest or in an effort to affect win-loss margins ("point shaving") or who participated in any sports wagering activity involving the student-athlete's institution was permanent loss of all remaining regular season and postseason eligibility in all sports.

The legislated minimum penalty for a student-athlete who participated in any sports wagering activity, through the Internet, a bookmaker or a parlay card, was ineligibility for all regular season and postseason competition for a minimum period of one year from the date of the institution's determination that a violation had occurred and charging the student-athlete with a loss of a minimum of one season of eligibility. If the student-athlete was determined to have been involved in a later violation of any portion of Bylaw 10.3, the student-athlete permanently loses all remaining regular season and postseason eligibility in all sports.

(1) Violations occurring prior to August 1, 2012.

  - (a) In situations where a student-athlete triggered the legislated minimum penalty, cases should be reviewed on an individual basis to determine if a withholding penalty beyond a one-year withholding is warranted. (June 2006, affirmed May 2013)
  - (b) In situations where a student-athlete did not trigger the legislated minimum penalty, factors such as dollar amount, number of bets and formality of the bets should be considered in the ~~Division II governance and member services~~ staff's determination of the

appropriate withholding condition. (June 2006, affirmed May 2013)

- (c) In addition, when a student-athlete receives winnings associated with any sports wagering activity, the student-athlete must make repayment of the full value received. (May 2013)

(2) Violations occurring from August 1, 2012, through April 24, 2018.

- (a) In situations where a student-athlete triggered the legislated minimum penalty, cases should be reviewed on an individual basis to determine if a withholding penalty beyond the one-year withholding is required. (June 2006, Affirmed May 2013)
- (b) In situations where a student-athlete did not trigger the legislated minimum penalty, the following guidelines shall apply (based on the dollar amount wagered):
  - i. \$25 or less = no withholding.
  - ii. Greater than \$25 to \$100 = 10% withholding condition.
  - iii. Greater than \$100 to \$300 = 30% withholding condition.
  - iv. Greater than \$300 to \$500 = 50% withholding condition.
  - v. Greater than \$500 = sit-a-season/charge-a-season withholding condition.

In cases where the impermissible sports wagering activity greatly exceeds \$500, the committee directed the Division II governance and member services staff to consider whether additional withholding, including permanent ineligibility, may be appropriate. (December 2011, affirmed May 2013)

- (c) In addition, when a student-athlete receives winnings associated with any sports wagering activity, the student-athlete must make repayment of the full value received. (December 2011, affirmed May 2013)

b. Violations Occurring from April 25, 2018, through November 14, 2023.

- (1) In situations where a student-athlete engages in activities designed to influence the outcome of an intercollegiate contest or in an effort to affect

win-loss margins ("point shaving") or who participates in any sports wagering activity involving the student-athlete's institution, the committee directed the **Division II governance and member services** staff to begin its withholding analysis at permanent loss of eligibility in all sports. (May 2018)

- (2) In situations where a student-athlete participates in any sports wagering activity through the Internet, a bookmaker or a parlay card, the committee directed the **Division II governance and member services** staff to begin its withholding analysis at sit-a-season/charge-a-season and review cases on an individual basis to determine if an alternative withholding condition is appropriate. If the student-athlete is determined to have been involved in a later violation of any portion of Bylaw 10.3, the committee directed **Division II governance and member services** staff to begin its withholding analysis at permanent loss of eligibility in all sports. (May 2018)
- (3) For all other violations of Bylaw 10.3, the following guidelines shall apply (based on the dollar amount wagered):
  - (a) \$25 or less = no withholding.
  - (b) Greater than \$25 to \$100 = 10% withholding condition.
  - (c) Greater than \$100 to \$300 = 30% withholding condition.
  - (d) Greater than \$300 to \$500 = 50% withholding condition.
  - (e) Greater than \$500 = sit-a-season/charge-a-season withholding condition.

In cases where the impermissible sports wagering activity greatly exceeds \$500, the committee directed the **Division II governance and member services** staff to consider whether additional withholding, including permanent ineligibility, may be appropriate. (December 2011, affirmed May 2013)

- (4) In addition, when a student-athlete receives winnings associated with any sports wagering activity, the student-athlete must make repayment of the full value received. (December 2011, affirmed May 2013)

c. Violations reported on or after November 15, 2023, through May 14, 2025:

- (1) In situations where a student-athlete engages in activities designed to influence the outcome or integrity of an intercollegiate contest or in an effort to affect win-loss margins ("point shaving"), who participates in any sports wagering activity involving the student-athlete's institution, or who knowingly provides information to individuals involved in or associated with any type of sports wagering activities, the committee directed the Division II governance and member services staff to begin its withholding analysis at permanent loss of eligibility in all sports. (May 2018, affirmed November 2023)
- (2) In situations where a student-athlete participates in any sports wagering activity involving another collegiate institution, the committee directed the Division II governance and member services staff to require the student-athlete participate in sports wagering rules and prevention education and begin its withholding analysis at sit-one-season of competition and charge the use of one season of competition. (May 2018, updated November 2023)
- (3) For all other violations of Bylaw 10.3 (e.g., in-game betting, person-to-person wagers), the following guidelines shall apply (dollar value is cumulative amount wagered or risked):
  - (a) \$200 or less = participation in sports wagering rules and prevention education.
  - (b) Greater than \$200 to \$500 = 10% withholding condition and participation in sports wagering rules and prevention education.
  - (c) Greater than \$500 to \$800 = 20% withholding condition and participation in sports wagering rules and prevention education.
  - (d) Greater than \$800 = 30% withholding condition and participation in sports wagering rules and prevention education.
  - (e) In cases where the impermissible sports wagering activity greatly exceeds \$800, the committee directed the Division II governance and member services staff to consider whether additional withholding, including permanent ineligibility, may be appropriate. (December 2011, affirmed May 2013, updated November 2023)
- (4) For any violation where a student-athlete receives winnings associated with any sports wagering activity, the student-athlete must make repayment of

full value received. (December 2011, affirmed May 2013, affirmed November 2023)

(5) If the student-athlete is determined to have been involved in a later violation of any portion of Bylaw 10.3, the committee directed staff to begin its withholding analysis at permanent loss of eligibility in all sports. (affirmed November 2023)

d. Guidelines for violations reported on or after May 15, 2025:

**For situations when student-athletes wager on intercollegiate competition only:**

(1) In situations where a student-athlete engages in activities designed to influence the outcome or integrity of an intercollegiate contest or in an effort to affect win-loss margins ("point shaving"), who participates in any sports wagering activity involving the student-athlete's institution, or who knowingly provides information to individuals involved in or associated with any wagering activities, the committee directed the **Division II governance and member services** staff to begin its withholding analysis at permanent loss of eligibility in all sports. (May 2018, affirmed November 2023, affirmed May 2025)

(2) In situations where a student-athlete participates in any sports wagering activity involving another collegiate institution, the committee directed the **Division II governance and member services** staff to require the student-athlete participate in sports wagering rules and prevention education and begin its withholding analysis at sit-one-season of competition and charge the use of one season of competition. (May 2018, updated November 2023, affirmed May 2025)

(3) For all other violations of Bylaw 10.3 related to only wagering on intercollegiate competition (e.g., in-game betting, person-to-person wagers), the following guidelines shall apply (dollar value is cumulative amount wagered or risked):

(a) \$200 or less = participation in sports wagering rules and prevention education.

(b) Greater than \$200 to \$500 = 10% withholding condition and participation in sports wagering rules and prevention education.

(c) Greater than \$500 to \$800 = 20% withholding condition and participation in sports wagering rules and prevention education.

- (d) Greater than \$800 = 30% withholding condition and participation in sports wagering rules and prevention education.
- (e) In cases where the impermissible sports wagering activity greatly exceeds \$800, the committee directed the ~~Division II governance and member services~~ staff to consider whether additional withholding, including permanent ineligibility, may be appropriate. (December 2011, affirmed May 2013, updated November 2023, affirmed May 2025)

(4) For any violation where a student-athlete receives winnings associated with any intercollegiate sports wagering activity, the student-athlete must make repayment of full value received. (December 2011, affirmed May 2013, affirmed November 2023, affirmed May 2025)

(5) If the student-athlete is determined to have been involved in a later violation of any intercollegiate sports wagering, the committee directed staff to begin its withholding analysis at permanent loss of eligibility in all sports. (affirmed November 2023, affirmed May 2025)

**For situations when student-athletes wager on professional competition only:**

- In situations where a student-athlete participates in any sports wagering activity involving only professional sports, the committee directed the ~~Division II governance and member services~~ staff to require the student-athlete to participate in sports wagering rules and prevention education. (May 2025)

**For situations when student-athletes wager on both intercollegiate and professional competition:**

- In situations where a student-athlete participates in sports wagering activities involving both professional sports and intercollegiate competition, the guidelines above will apply separately to wagers on professional and intercollegiate competition. (May 2025)

## **BYLAW 13 GUIDELINES.**

See Academic Misconduct Guidelines Section of this Document for Offers and Inducements Related to Academic Misconduct Violations (Bylaw 13.2.1).

- **Bylaw 13.2 (Offers and Inducements).**
  - a. Guidelines for violations involving prospective student-athletes occurring prior to July 18, 2017:
    - (1) Value of the benefit ranges from greater than \$100 to \$500 = repayment.
    - (2) Value of the benefit ranges from greater than \$500 to \$700 = withholding of 10% and repayment.
    - (3) Value of the benefit ranges from greater than \$700 to \$1,000 = withholding of 20% and repayment.
    - (4) Value of the benefit is greater than \$1,000 = withholding of 30% and repayment. (February 2004, May 2008, May 2017)
  - b. Guidelines for violations involving prospective student-athletes occurring July 18, 2017, through November 19, 2019:
    - (1) Value of the benefit ranges from greater than \$200 to \$500 = repayment.
    - (2) Value of the benefit ranges from greater than \$500 to \$700 = withholding of 10% and repayment.
    - (3) Value of the benefit ranges from greater than \$700 to \$1,000 = withholding of 20% and repayment.
    - (4) Value of the benefit is greater than \$1,000 = withholding of 30% and repayment. (May 2017)
  - c. Guidelines for violations involving prospective student-athletes occurring on or after November 20, 2019;
    - (1) Value of the benefit ranges from greater than \$200 to \$500 = repayment.
    - (2) Value of the benefit ranges from greater than \$500 to \$800 = withholding of 10% and repayment.

- (3) Value of the benefit ranges from greater than \$800 to \$1,100 = withholding of 20% and repayment.
- (4) Value of the benefit is greater than \$1,100 = withholding of 30% and repayment. (November 2019).
- d. Other violations involving tangible benefits. The committee confirmed that the culpability of the prospective student-athlete should be assessed regardless of the bylaw in question (e.g. Bylaw 14). The same dollar-figure guidelines should be the starting point in these cases. (February 2024)
- e. The committee noted the Division II governance and member services staff should continue to review the factors that may increase or decrease the prospective student-athlete's culpability in these violations and indicated that in situations where a prospective student-athlete clearly has a responsibility for a violation and knowingly commits a violation of NCAA regulations, a significant withholding condition should be imposed. (December 2020, updated May 2007)

## BYLAW 14 GUIDELINES.

1. **Amateurism Issues Pre-Enrollment.** Follow the link below to view the prescribed pre-enrollment guidelines:

[NCAA Division II ACP Guidelines Chart](#)

2. **Amateurism Issues Post Enrollment.**

- a. Participation on professional teams. First, the student-athlete's situation should be assessed to see if reinstatement is warranted. If it is determined that the student-athlete should be reinstated, the minimum withholding condition would be to charge the student-athlete with a season of competition and then withhold the student-athlete on a one-for-one basis for each contest in which he or she competed. (April 2004, updated June 2006)
- b. Acceptance of actual and necessary expenses. Student-athletes who accept actual and necessary expenses from a professional team shall be required to repay the impermissible expenses. In addition, the student-athlete's culpability will be assessed and a withholding condition based on the dollar amount may be applied. (April 2004, updated June 2006)
- c. Acceptance of prize money. The student-athlete will be required to repay all impermissible prize money received. In addition, the student-athlete will be withheld based on the dollar amount guidelines established for extra benefit violations given the student-athlete's responsibility for the violation and the opportunity for rules education. (April 2004, updated June 2006)
- d. Signing a contract with a professional team. The committee directed the Division II governance and member services staff to begin its withholding analysis at permanent loss of eligibility for student-athletes who sign a contract with a professional team. (December 2009)
- e. Effective date. Appropriate effective date for conditions other than signing a contract will apply to enrolled student-athletes who engage in the violation subsequent to August 2004. Conditions for contract violations shall apply to all enrolled student-athletes who engage in violation subsequent to December 2009.

3. **Bylaw 14.02.6 (Criteria Governing Compensation to Student-Athletes).**

- a. Guidelines for violations involving student-athletes occurring prior to June 11, 2019:
  - (1) Value of the benefit is \$200 or less = repayment.

(2) Value of the benefit ranges from greater than \$200 to \$400 = withholding of 10% and repayment.

(3) Value of the benefit ranges from greater than \$400 to \$700 = withholding of 20% and repayment.

(4) Value of the benefit is greater than \$700 = withholding of 30% and repayment. (December 2018)

b. Guidelines for violations involving student-athletes occurring on or after June 12, 2019:

(1) Value of the benefit is \$200 or less = repayment.

(2) Value of the benefit ranges from greater than \$200 to \$500 = withholding of 10% and repayment.

(3) Value of the benefit ranges from greater than \$500 to \$800 = withholding of 20% and repayment.

(4) Value of the benefit is greater than \$800 = withholding of 30% and repayment. (June 2019)

#### 4. **Bylaw 14.1.1.5 (Eligibility for Practice and Competition).**

a. The committee directed the Division II governance and member services staff to treat violations of Bylaw 14.1.1.5 in the following manner for student-athletes first enrolling at a Division II institution for the 2009-10 academic year and thereafter. (May 2008, updated June 2009, December 2010)

1. Practice and competition violations for student-athletes who are subsequently certified without conditions:

(a) Provide relief from withholding for all practice violations after the 45-day allowable period.

(b) Withhold one contest for every two the student-athlete competed in while ineligible up to a maximum of 10% of the maximum permissible number of contests or dates of competition set forth in Bylaw 17 for that sport.

2. Practice and competition violations for student-athletes who are subsequently certified with an amateurism-related condition (except Bylaw 14.2.4.2):

- (a) Withhold one practice for every two, the student-athlete participated in after the 45-day allowable period.
- (b) Withhold one contest for every one the student-athlete competed in while ineligible. To be applied after completion of amateurism certification condition(s) imposed by the NCAA Eligibility Center.

NOTE: Please see Bylaw 14.1.1.5.1.1 (Effect of Violation) for any violation occurring on or after August 1, 2020, in which the student-athlete is subsequently certified without conditions.

- b. The committee directed the Division II governance and member services staff to provide complete relief from a practice and/or competition withholding condition if a student-athlete, after receipt of final amateurism certification for one sport, decides to participate in a second sport but failed to receive final amateurism certification in the second sport. Complete relief from withholding will be provided only if the student-athlete was subsequently certified without an amateurism certification penalty in the additional sport(s). Effective for violations discovered on or after August 1, 2013. (May 2013)
- c. For situations where the violation occurred due to institutional error and the student-athlete is not at fault (everything was on file with the NCAA Eligibility Center), the student-athlete should not be withheld from competition given: (December 2010)
  - (1) An administrative error contributed to the violation;
  - (2) The student-athlete did everything he or she could have reasonably done; and
  - (3) All necessary student-athlete information was on file at the NCAA Eligibility Center prior to commission of violation.

5. **Miscertification of Amateur Status.** The committee discussed the potential for miscertification within the amateurism certification process and the impact it could have on student-athlete reinstatement outcomes. The committee believed that relief from the typical certification decision should be provided in instances when a student-athlete is erroneously certified without conditions or with conditions less than those that should have been applied other than a decision of permanent ineligibility. If a student-athlete was erroneously certified and a permanent ineligibility decision should have been imposed, the student-athlete will be permitted to finish the season in which he or she is currently participating and will then be rendered permanently ineligible. If participation has not occurred prior to discovery of the miscertification, the permanent ineligibility condition is to be applied immediately. (December 2008)

**6. Bylaw 14.1.3.1 (Obligation of Member Institution to Withhold Student-Athlete from Competition).**

a. The committee directed the Division II governance and member services staff to consider the following factors in determining if withholding is appropriate: (December 2006, affirmed May 2012, updated May 2013)

(1) Did the student-athlete have any responsibility or knowledge (that he or she should have been withheld)?

(2) Was there institutional error that lead to the Bylaw 14.1.3.1 violation?

(3) Was there a withholding condition as part of the underlying violation?

b. Further, the committee instructed the Division II governance and member services staff to provide complete relief from withholding if the institution can demonstrate the following: (1) Lack of student-athlete culpability; (2) Institutional error led to the violation; and (3) No withholding condition was imposed for the underlying violation. All other reinstatement requests should be reviewed on a case-by-case basis with a starting point of a one-for-one withholding condition. (December 2006, affirmed May 2012, updated May 2013, updated December 2014)

**7. Bylaw 14.2.3 (full-time enrollment).**

a. The committee confirmed that a one-for-one withholding condition is appropriate for competition while enrolled less than full time. Relief may be appropriate if the following criteria are met:

(1) The student-athlete took affirmative steps to maintain full-time enrollment;

(2) An appropriate institutional authority misadvised the student-athlete as to the number of credit hours needed to maintain full-time enrollment; and

(3) The student-athlete relied on the information from the appropriate institutional authority.

OR

- (1) The institution can demonstrate that the student-athlete did not miss class while enrolled less than full time (e.g., continued to attend class and/or complete coursework between class sessions); and
- (2) The student-athlete did not realize he or she had dropped below full-time enrollment. (June 2000, affirmed June 2003, updated May 2016).

b. The committee noted that unless the case circumstances meet these factors, complete relief should not be provided. However, based on the specific facts of the case, the Division II governance and member services staff may consider imposing a one-for-two or one-for-four withholding condition. (May 2016).

c. If complete relief from withholding is not appropriate, withholding shall not exceed 30% of a season based on Bylaw 17 maximums for the applicable sport. (May 2018)

#### **8. Bylaw 14.2.8 (Freshman Academic Requirements).**

- Financial aid, practice and competition violations for student-athletes who are subsequently certified as partial qualifiers. (December 2000, updated December 2010)
  - (1) Provide relief from repayment of impermissible financial aid received.
  - (2) Provide relief from withholding for all practice violations after the 45-day allowable period.
  - (3) In situations where a student-athlete competes during a partial-qualifier year of residence when there is no way they could have been eligible, the committee determined institutions should be given a choice of a reinstatement condition of sitting out the entire next academic year (without being charged a season of competition) or a one-for-one withholding condition not to exceed 50% of the maximum permissible number of contests or dates of competition set forth in Bylaw 17 for that sport. (May 2007)

**9. Bylaw 14.2.9 (Progress-Toward-Degree Requirements).**

a. The committee determined the Division II governance and member services staff should consider the following circumstances when assessing progress-toward-degree violations: (December 2008)

- (1) How reasonable is it that the student-athlete could have rectified the problem?
- (2) How proactive was the student-athlete in ensuring that he or she met the progress-toward-degree criteria?
- (3) What was the source of misinformation or advice provided to the student-athlete? Was the source an appropriate academic source?
- (4) Did the student-athlete's academic performance contribute to his or her failure to meet the progress-toward-degree requirements?

b. In considering complete relief, the committee directed the Division II governance and member services staff to review first the academic record in existence at the time of the violation to determine whether the student-athlete could otherwise have been eligible under a different major. In circumstances where the student-athlete would have been academically eligible under a different major, the committee agreed that complete relief from a withholding condition is appropriate. Situations involving restrictive majors may also warrant some relief.

Further, the committee was not comfortable providing full relief based solely on the fact that a progress-toward-degree waiver was subsequently approved. The committee indicated the Division II governance and member services staff may consider the approval of the progress-toward-degree waiver as mitigation for providing partial relief from a one-for-one withholding condition. (December 2008)

c. The committee noted that complete relief could be provided if the issue is solely a paperwork issue or the student-athlete's academic performance was not a contributing factor. However, based on the specific factors of the case, the Division II governance and member services staff should consider imposing a one-for-four or one-for-two condition. In addition, in situations where there is no way the student-athlete could have been eligible, the student-athlete should be withheld on a one-for-one basis. (May 2007)

**10. Bylaw 14.3 (Transfer Regulations).**

- a. Situations where there is no way the student-athlete could have been eligible. In situations where a student-athlete competes during a transfer year-of-residence when there is no way he or she could have been eligible, the committee determined institutions should be given the choice of a reinstatement condition of sitting out the entire next academic year (without being charged a season of competition) or a one-for-one withholding condition not to exceed 50% of the maximum permissible number of contests or dates of competition set forth in Bylaw 17 for that sport. (May 2007)
- b. Situations where an institution allows a student-athlete to compete while waiting for information that possibly could have been provided. The Division II governance and member services staff should analyze how reasonable it is that information could have been obtained and consider the specifics of the case to determine if some level of relief may be appropriate. (July 2006)

**11. Bylaw 14.4.6-(a) (Use of Athletics Skill for Pay).**

- a. Guidelines for violations involving student-athletes occurring prior to July 18, 2017:
  - (1) Value of the benefit ranges from greater than \$100 to \$400 = withholding of 10% and repayment.
  - (2) Value of the benefit ranges from greater than \$400 to \$700 = withholding of 20% and repayment.
  - (3) Value of the benefit is greater than \$700 = withholding of 30% and repayment. (May 2008, updated May 2012, May 2013)
- b. Guidelines for violations involving student-athletes occurring on July 18, 2017, through June 11, 2019:
  - (1) Value of the benefit ranges from greater than \$200 to \$400 = withholding of 10% and repayment.
  - (2) Value of the benefit ranges from greater than \$400 to \$700 = withholding of 20% and repayment.
  - (3) Value of the benefit is greater than \$700 = withholding of 30% and repayment. (May 2017)

- c. Guidelines for violations involving student-athletes occurring on or after June 12, 2019:
  - (1) Value of the benefit ranges from greater than \$200 to \$500 = withholding of 10% and repayment.
  - (2) Value of the benefit ranges from greater than \$500 to \$800 = withholding of 20% and repayment.
  - (3) Value of the benefit is greater than \$800 = withholding of 30% and repayment. (June 2019)
- d. Other violations involving tangible benefits. The committee confirmed that the responsibility or culpability of a prospective or enrolled student-athlete should be assessed regardless of the bylaw in question (e.g., Bylaw 15). The same dollar-figure guidelines should be the starting point in these cases. (February 2004)
- e. The committee noted the ~~Division II governance and member services reinstatement~~ staff should continue to review the factors that may increase or decrease the student-athlete's culpability in these violations and, in situations where a student-athlete clearly has a responsibility for a violation and knowingly commits a violation of NCAA regulations, a significant withholding condition should be imposed. (December 2000, updated May 2007)

**12. Bylaw 14.4.7 (Outside Competition, Effects on Eligibility).**

The committee directed staff to review outside competition violations on a case-by-case basis with the ~~Division II governance and member services~~ 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. (December 2024)

Effective for violations occurring on or after August 1, 2012. The committee noted that for violations where withholding is appropriate, if a student-athlete competes in multiple contests on one date (e.g., student-athlete competes in multiple 3-on-3 basketball contests on same date), the ~~Division II governance and member services~~ staff should withhold one contest for every date the student-athlete participated in as opposed to withholding per contest. (May 2012)

**13. Bylaw 14.4.9 (Use of Agents).**

- a. The committee noted that agent violations are considered more serious than general extra benefit violations and, therefore, the monetary guidelines should be more stringent than the extra benefit guidelines. (December 2000)

- b. The committee directed the Division II governance and member services staff to impose a minimum 10% withholding condition, in addition to repayment, for any type of impermissible benefit received from an agent. Additionally, the committee affirmed the Division II governance and member services staff should consider the following circumstances when assessing these violations: (December 2000)
  - (1) The value of the benefit received by the student-athlete/prospective student-athlete;
  - (2) The student-athlete's/prospective student-athlete's awareness of the person's agent status; and
  - (3) The student-athlete's/prospective student-athlete's involvement in obtaining benefits.
- c. For violations prior to August 1, 2023, signing of a contract with an agent carries with it the presumption that the student-athlete is abandoning his or her amateur status. (June 2023)

#### **14. Academic Year-of-Residence and Sit-a-Season Penalties.**

- a. The committee noted that an academic year-of-residence penalty is assessed in situations where a student-athlete competes while he or she should have been serving an academic year of residence (e.g., transfers, etc.). These conditions attempt to put the student-athlete back in the position he or she was in prior to the violation and, thus, only requires the student-athlete to serve a year of residence (and not be charged a season of competition). Since these penalties are not actually withholding from contests but simply serving a year of residence, if an institution believes this is too significant given the student-athlete does not plan to enroll beyond four years, the Division II governance and member services staff may consider a withholding condition that is more appropriate. (May 2007)
- b. The committee determined that under the following circumstance institutions should be given the choice of a reinstatement condition of sitting out the entire next academic year (without being charged a season of competition) or a one-for-one withholding condition not to exceed 50% of the maximum permissible number of contests or dates of competition set forth in Bylaw 17 for that sport:
  - Competition during a year the student-athlete should have been serving an academic year of residence due to competition that triggered the application of the Division II organized competition rule (this scenario will likely have limited applicability due to role of the NCAA initial-eligibility amateurism certification process). (May 2007)

- c. Sit-a-season (charge-a-season) penalties are imposed for significant violations of NCAA rules (e.g., academic misconduct, amateurism violations, etc.). These conditions are withholding the student-athletes from practice and competition and thus, must be fulfilled during one of the student-athlete's four seasons of competition (charging a year). (May 2007)

15. **Fifty-Percent Threshold in Withholding Conditions.** The committee determined that relief should be provided from the one-for-one withholding condition applied to Bylaw 14 violations involving limited participation (50% or less of an institution's season) by a student-athlete while ineligible for the entire season due to not meeting academic requirements (e.g., initial-eligibility or progress-toward-degree waiver requirements) or when the student-athlete should have been serving a transfer year of residence. Relief should only be applied when a student-athlete's ineligible competition occurs during the first half of the season and the student-athlete is ineligible the entire season. Additionally, the committee determined the ~~Division II governance and member services~~ staff should assess the student-athlete's culpability as part of the analysis as to whether the application of the 50% threshold is appropriate in a particular case and directed staff not to apply the 50% threshold guideline when the student-athlete has culpability for the violation. Please note the first half of the season requirement is effective for all competition occurring on or after August 1, 2011. (December 2002; updated May 2008, May 2011, updated June 2019)

The committee noted that in situations in which the institution elects to apply the 50% threshold guideline, the student-athlete has used a season of competition and may not request a season-of-competition waiver to regain that season of eligibility. (June 2019)

## BYLAW 16 GUIDELINES.

See Academic Misconduct Guidelines Section of this Document for Extra Benefits Related to Academic Misconduct (Bylaw 14.2.10).

- **Bylaw 16.02.3 (extra benefit).**
  - a. Guidelines for violations involving student-athletes occurring prior to July 18, 2017:
    - (1) Value of the benefit ranges from greater than \$100 to \$400 = withholding of 10% and repayment.
    - (2) Value of the benefit ranges from greater than \$400 to \$700 = withholding of 20% and repayment.
    - (3) Value of the benefit is greater than \$700 = withholding of 30% and repayment. (May 2012, updated May 2013, May 2017)
  - b. Guidelines for violations involving student-athletes occurring on July 18, 2017, through June 11, 2019:
    - (1) Value of the benefit ranges from greater than \$200 to \$400 = withholding of 10% and repayment.
    - (2) Value of the benefit ranges from greater than \$400 to \$700 = withholding of 20% and repayment.
    - (3) Value of the benefit is greater than \$700 = withholding of 30% and repayment. (May 2017)
  - c. Guidelines for violations involving student-athletes occurring on or after June 12, 2019:
    - (1) Value of the benefit ranges from greater than \$200 to \$500 = withholding of 10% and repayment.
    - (2) Value of the benefit ranges from greater than \$500 to \$800 = withholding of 20% and repayment.
    - (3) Value of the benefit is greater than \$800 = withholding of 30% and repayment. (June 2019)
  - d. Other violations involving tangible benefits. The committee confirmed that the culpability of the student-athlete should be assessed regardless of the bylaw in

question (e.g., Bylaw 15). The same dollar-figure guidelines should be the starting point in these cases as well. (February 2004)

- e. The committee noted that the Division II governance and member services staff should continue to review the factors that may increase or decrease the student-athlete's culpability in these violations and indicated that in situations where a student-athlete clearly has a responsibility for a violation and knowingly commits a violation of NCAA regulations, a significant withholding condition should be imposed. (December 2000, updated May 2007)

#### **CALCULATING THE VALUE OF AN IMPERMISSIBLE BENEFIT.**

- **Guidelines to be used when determining valuation of any benefit.**
  - a. Free service. For a free service, the average market cost that a normal customer would be charged for the service in the locale where the violation occurred. For a reduced cost service, the difference of what the student-athlete paid for the service and what a normal customer would be charged for the service in the locale where the violation occurred. In a competition market situation where multiple providers of the same or similar services exist, institutions are expected to contact three to five service providers to determine the average value of the impermissible service. (May 2008)
  - b. Automobile transportation. The committee determined the current institutional mileage reimbursement rate at the time of the violation should be used when calculating the value of the impermissible automobile transportation. (May 2008)

The committee determined institutions may divide impermissible transportation by the total number of individuals who received the benefit, provided a "per person" rate was unavailable. The committee noted that an impermissible benefit received by individual(s) associated with a prospective or enrolled student-athlete would continue to have their impermissible benefit value included with the student-athlete's violation (e.g., family member). (December 2013)
  - c. Air transportation. The committee instructed the Division II governance and member services staff to make a reasonable decision for repayment based on the impermissible value of the purchased flight (e.g., impermissible benefit – permissible benefit = repayment value). (May 2008)
  - d. Housing. The committee determined the valuation for impermissible lodging to be the following:

- (1) If an individual impermissibly stays on campus, then the residence hall rate shall apply.
- (2) If an individual impermissibly stays at a hotel, the hotel daily rate for the same room type at the specific hotel shall apply.
- (3) If an individual impermissibly stays off campus at a private residence, the rental value of the property shall serve as the basis for the valuation. It is permissible to divide the rental value by the number of people staying in the household to calculate the value of an individual's stay on a per night basis. If valuation is not readily available, the committee instructed the ~~Division II governance and member services~~ staff to ask an institution why valuation is not available and where the student-athlete would have lived if impermissible lodging was not provided. The committee agreed the ~~Division II governance and member services~~ staff should provide flexibility in determining valuation of the impermissible lodging when a value cannot readily be determined. (December 2009)

The committee determined institutions may divide impermissible housing by the total number of individuals who received the benefit, provided a "per person" rate was unavailable. The committee noted that an impermissible benefit received by individual(s) associated with a prospective or enrolled student-athlete would continue to have their impermissible benefit value included with the student-athlete's violation (e.g., family member). (December 2013)

- e. Textbooks. The committee determined the withholding condition associated with a textbook violation shall be determined by the full retail value of the textbook at the time of purchase, whether purchased as a new or used textbook. The repayment value is based on the full retail value of the textbook at the time of purchase, minus the return value of the textbook at the time the textbook is returned. The return value used must be available to all students at the institution and not a rate specific to the department of athletics. (December 2009)
- f. Sideline passes. The committee directed the ~~Division II governance and member services~~ staff to continue calculating the value of a sideline pass for an intercollegiate contest at the value of the highest ticket sold for that specific contest. (May 2008)
- g. Value of free use or no cost merchandise. For no cost, free use of or reduced cost of merchandise, the retail cost or lease cost that a normal customer would have paid for the merchandise or lease in the locale where the violation occurred. (December 2000, updated May 2008)

## ACADEMIC MISCONDUCT GUIDELINES.

Guidelines for violations involving prospective and enrolled student-athletes (effective for all violations occurring prior to August 1, 2017):

1. **Bylaw 14.2.10 (academic misconduct).**
  - a. The committee affirmed the starting point is sit-a-year, charge-a-year and advised the Division II governance and member services staff to consider permanent ineligibility if the violation is egregious in nature. (May 2008, affirmed December 2011)
  - b. The committee confirmed there is room for consideration of mitigating circumstances and the Division II governance and member services staff has the ability to provide relief based on such circumstances. (May 2008, affirmed December 2011)
  - c. The committee indicated that, whenever possible, all institutional proceedings must be concluded prior to an institution submitting a request for reinstatement. (May 2008)
2. **Documentation of No Unethical Conduct Violation for Report of Canceled Test Score.** The committee affirmed its practice of requiring a student-athlete to put in writing that a Bylaw 10.1 (Unethical Conduct) violation did not occur in instances where there is a violation reported that involves a canceled test score. (December 2006)

Guidelines for violations involving prospective student-athletes (effective for all violations occurring between August 1, 2015, and July 31, 2017):

- **Bylaw 13.2 (Offers and Inducements) related to academic misconduct.** For situations involving academic integrity concerns where the impermissible conduct does not rise to the level of academic misconduct under Bylaw 14.2.10, however, the conduct constitutes a violation of offers and inducements legislation and/or extra benefits legislation, the committee directed the Division II governance and member services staff to begin its withholding analysis at 30% of a season of competition. The committee indicated that, whenever possible, all institutional proceedings must be concluded prior to an institution submitting a request for reinstatement.

NOTE: Restitution provisions do not apply to cases of impermissible academic assistance and impermissible academic arrangements.

Guidelines for violations involving student-athletes (effective for all violations occurring August 1, 2015, through July 31, 2017):

- **Bylaw 16.02.3(extra benefit).** For situations involving academic integrity concerns where the impermissible conduct does not rise to the level of academic misconduct under Bylaw 14.2.10, however, the conduct constitutes a violation of offers and inducements legislation and/or extra benefits legislation, the committee directed the **Division II governance and member services** staff to begin its withholding analysis at 30% of a season of competition.

NOTE: Restitution provisions do not apply to cases of impermissible academic assistance and impermissible academic arrangements. (May 2014, updated December 2014)

Guidelines for violations involving prospective student-athletes (effective for all violations occurring on or after August 1, 2017):

1. **Bylaw 14.2.10.2.1-(a) (Pre-Enrollment Academic Misconduct) [Arrange for a false or inaccurate academic record (e.g., courses, grades, credits, transcripts, test scores) for a prospective student-athlete].**
  - a. The committee affirmed the starting point is sit-a-year, charge-a-year and advised the **Division II governance and member services** staff to consider permanent ineligibility if the violation is egregious in nature. (November 2017)
  - b. The committee confirmed there is room for consideration of mitigating circumstances and the **Division II governance and member services** staff has the ability to provide relief based on such circumstances. (November 2017)
  - c. The committee indicated that, whenever possible, all institutional proceedings must be concluded prior to an institution submitting a request for reinstatement. (November 2017)

NOTE: Former Bylaw 14.1.2.1-(c) was incorporated into current Bylaw 14.1.2.1-(a) and later changed to Bylaw 14.2.10.2.1. (August 2024)

2. **Bylaw 14.2.10.2.1-(b) (Pre-Enrollment Academic Misconduct) [Provide false, inaccurate or incomplete information to the NCAA or an institution regarding a prospective student-athlete's academic record].**
  - a. The committee affirmed the starting point is sit-a-year, charge-a-year and advised the **Division II governance and member services** staff to consider permanent ineligibility if the violation is egregious in nature. (November 2017)

- b. The Division II governance and member services staff may consider increasing the starting point withholding condition when any of the following factors apply:
  - (1) The student-athlete acted actively and deliberately to conceal, omit or provide inaccurate or false information;
  - (2) The student-athlete had multiple opportunities to correct or provide accurate information; or
  - (3) The student-athlete provided incomplete or inaccurate information to the NCAA enforcement or amateurism certification staffs. (November 2017)

Guidelines for violations involving student-athletes (effective for all violations occurring on or after August 1, 2017):

- **Bylaw 14.2.10.4 (Post-Enrollment Academic Misconduct).**
  - a. The committee affirmed the starting point is sit-a-year, charge-a-year and advised the Division II governance and member services staff to consider permanent ineligibility if the violation is egregious in nature. (November 2017)
  - b. The committee confirmed there is room for consideration of mitigating circumstances and the Division II governance and member services staff has the ability to provide relief based on such circumstances. (November 2017)
  - c. The committee indicated that, whenever possible, all institutional proceedings must be concluded prior to an institution submitting a request for reinstatement. (November 2017)

## WAIVERS.

- 1. Medical Documentation Standards for Waivers Involving Incapacitating Injury or Illness.**
  - a. Contemporaneous medical documentation from a treating physician. An institution must provide medical documentation recorded by a treating physician at the time of the injury or illness. In addition, the contemporaneous documentation must extend through the championship segment of the playing season in question to establish the student-athlete's inability to compete as a result of that injury or illness. *(November 2019)*
  - b. If the individual does not seek medical attention, the documentation standard will not be met. The committee noted that, in conjunction with contemporaneous documentation from a treating physician, the Division II governance and member services staff may consider noncontemporaneous and/or other objective documentation (e.g., athletic training notes, physical therapy notes) in determining whether an individual sustained an incapacitating injury or illness and the length of incapacitation. Further, the committee directed the Division II governance and member services staff to review cases involving diagnosis or treatment by a licensed physician extender (nurse practitioner, physician assistant) on a case-by-case basis. *(Updated May 2017, updated November 2019)*
  - c. For multisport participants, each sport must be evaluated separately to determine if the student-athlete was incapacitated in that sport. Incapacitation for more than one sport is possible for the same injury, but the burden is on the institution to demonstrate that the length of incapacitation caused the student-athlete to be denied participation opportunities in each sport. *(February 2004)*
  - d. Absent extraordinary circumstances outside the control of the student-athlete that bar the ability to obtain contemporaneous medical documentation, the burden to meet the information and documentation standards regarding incapacitation still falls on the student-athlete and institution. *(February 2004)*
- 2. Extreme Financial Difficulties as a Result of a Specific Event.** *(February 2004)*
  - a. Specific events leading to financial hardship must be identified and substantiated. Declaration of bankruptcy does not satisfy the specific-event requirement of the legislation but may serve as evidence of a specific event, which must be beyond the control of the student-athlete and the person on whom the student-athlete is financially dependent.

- b. While a specific event may have occurred, that specific event does not continue to satisfy the legislation if it is not in close proximity to the academic year being asserted as a denied participation opportunity.
- c. The asserted specific event must have a direct nexus to the documentation-supported financial hardship.
- d. Situations that gradually develop into extreme financial difficulties may satisfy the specific event requirement of the legislation if: (1) the financial hardship is supported by objective documentation; (2) the extreme financial difficulties directly impacted a student-athletes ability to participate during the academic year in question; and (3) the institution can demonstrate a subsequent change in the student-athlete's financial circumstances that enabled the student-athlete to return to participation.
- e. Situations in which a student-athlete initially attends an institution and subsequently discovers that the cost of attendance at the institution is beyond his or her and the family's financial means shall not satisfy the specific-event requirement absent extenuating circumstances.

**3. Waivers involving student-athletes who have been wrongly accused or acquitted of legal issues or allegations.**

- If an institution has taken action to suspend a student-athlete based on the institution's code of conduct standards and requirements, the understanding is that the student-athlete's eligibility period is active during these pending legal issues or allegations. The committee directed the **Division II governance and member services** staff to review these cases using a case-by-case approach and to consider any institutional action in its analysis. If the institution finds the student-athlete in violation of institutional rules (e.g., code of conduct) regardless of the outcome of the legal issues against the student-athlete, the waiver decision should not supersede the institutional action since the institution's action was independent of the student-athlete's legal proceedings. In these instances, the committee determined the student-athlete has used a participation opportunity. (December 2010)

**4. Waivers Involving Competing Circumstances.**

- In cases where the student-athlete asserts circumstances that meet both Bylaws 14.4.3.2.4.1.2 (Circumstances Beyond Control) and 14.4.3.2.4.1.3 (Circumstances Within Control), the **Division II governance and member services** staff shall consider these instances as participation opportunities absent documentation sufficient to demonstrate that a circumstance beyond the control of the student-athlete or the institution necessitated the circumstance within the control of the student-athlete

(e.g., injury requires student-athlete to transfer in order to undergo rehab, student-athlete is also ineligible because of transfer year of residence).

**5. Bylaw 14.4.3 (10-Semester/15-Quarter Rule).**

a. Analysis.

(1) General. In the two-prong analysis, the first prong focuses on whether a student-athlete was denied two seasons of participation for reasons beyond the student-athlete's and the institution's control. The second prong focuses on whether the student-athlete had four seasons-of-participation opportunities within his or her 10-semester/15-quarter period of eligibility. (December 1999)

(2) Student-athlete could have competed.

(a) The committee reviewed the issues related to whether a student-athlete had a participation opportunity when he or she could have competed in limited competition at some point during the season before or after a circumstance listed under Bylaw 14.4.3.2.4.1.2 (Circumstances Beyond Control) occurred. In situations when the competition could have occurred at the beginning of a season, the committee recommended that the Division II governance and member services staff apply a similar analysis to that used under the hardship waiver (i.e., demonstrate incapacitation) to determine if the student-athlete had a participation opportunity. In cases where a student-athlete begins a season of competition incapacitated and is cleared to return to competition prior to the conclusion of the season, the year shall be deemed a denied participation opportunity if the student-athlete is cleared with 20% or less of the remaining regularly scheduled contests or dates of competition but does not return to competition. However, when an injury precedes a season and the student-athlete is medically cleared to resume activities while a meaningful participation opportunity still exists (i.e., greater than 20% of the regularly scheduled contests/dates of competition remain), the season in question cannot be considered a denied participation opportunity despite an institutional decision not to permit the student-athlete to compete.

Please note, this guideline is effective for circumstances beyond the control of the student-athlete and institution occurring prior to August 1, 2017. (December 1999, updated February 2004, updated May 2011)

(b) The committee directed the ~~Division II governance and member services~~ staff apply a similar analysis to that used under the hardship waiver to determine if a student-athlete had a participation opportunity. Specifically, in a year in which the student-athlete does not compete, he or she is determined to have a denied participation opportunity when the injury or event occurs any time prior to the first contest of the second half of the season. Additionally, in cases where a student-athlete begins the season incapacitated and is cleared to return to competition prior to the conclusion of the season, the year shall be deemed a denied participation opportunity if the student-athlete is cleared with less than 30% of the maximum permissible number of contests or dates of competition remaining, set forth in Bylaw 17, but does not return to competition. However, when an injury precedes a season and the student-athlete is medically cleared to resume activities while a meaningful participation opportunity still exists (i.e., greater than 30% of the regularly scheduled contests/dates of competition remain), the season in question cannot be considered a denied participation opportunity despite an institutional decision not to permit the student-athlete to compete.

Please note, this guideline is effective for circumstances beyond the control of the student-athlete and institution occurring on or after August 1, 2017. (updated February 2004, November 2017)

Use of a semester. The committee indicated the usual extension analysis (determining if there are at least two-denied participation opportunities) is not the appropriate approach in cases where the extension waiver legislation may have been entirely avoidable had the institution done an adequate job of monitoring the student-athlete's remaining period of eligibility. The committee approved authorizing the ~~Division II governance and member services~~ staff to use its discretion when processing such cases involving institutional error or misadvisement provided the institutional error/misadvisement that caused the erroneous use of a semester is documented and a chancellor's and president's letter is sent to the institution. The committee noted that generally coaches are not an appropriate institutional authority unless the coaching staff member has academic responsibilities as demonstrated through documentation such as an organizational chart or departmental policies and procedures. Further, the student-athlete must take affirmative steps to protect remaining eligibility prior to triggering use of a semester. (April 2006, updated December 2008)

Considering participation opportunities and denied participation opportunities within 10-semester/15-quarter waiver review. The committee determined the current practice of denying extension requests where a student-athlete has four participation opportunities and two-denied participation opportunities should be

maintained including situations when the student-athlete would meet the waiver requirements in Bylaw 14.4.3.2.4.1.4 (Waiver -- Student-Athlete Who Does Not Use Season of Competition During Initial Year of Collegiate Enrollment). (December 2011)

Exception for Extension Waivers Involving Sports with a Championship Season that Spans Two Semesters. The committee determined that the usual analysis of denying extension requests involving a student-athlete who has both four participation opportunities and two-denied participation opportunities is not appropriate in sports with a championship season that spans two semesters/quarters (e.g., basketball, wrestling). The committee instructed the Division II governance and member services staff to grant a one-semester/quarter-extension request for a student-athlete who competes in a sport that spans two semesters/quarters provided the student-athlete has two-denied participation opportunities and is seeking an extension to complete his or her fourth participation opportunity through the conclusion of the championship season. (May 2015)

Extension requests involving Bylaw 14.4.3.2.4.1.4 (Waiver -- Student-Athlete Who Does Not Use Season of Competition During Initial Year of Collegiate Enrollment). The committee determined that there should be no restriction concerning how long the student-athlete remained on the institutional eligibility list (formerly squad list) or at what point during the year the student-athlete was added. Appearance on the institutional eligibility list at any time for any duration during the initial year of collegiate enrollment shall be acceptable for the purposes of 10-semester/15-quarter extension requests. (December 2008)

Season-of-competition waiver – competition while eligible within a 10-semester/15-quarter waiver review. For purposes of an extension request combined with a season-of-competition waiver, the committee directed the Division II governance and member services staff to consider the following extenuating circumstances as denied participation opportunities:

- (1) Life-threatening injury or illness suffered by a member of the student-athlete's immediate family;
- (2) Extreme financial difficulties as a result of a specific event; or
- (3) The student-athlete's institution dropped the sport from its intercollegiate program. (December 2002, updated December 2007)

Season-of-competition waiver – competition while eligible involving coach's documented misunderstanding of NCAA legislation in a 10-semester/15-quarter waiver review. The committee directed the Division II governance and member services staff to consider a season-of-competition waiver – competition while

eligible coach's documented misunderstanding of the legislation a denied participation opportunity as long as the waiver is granted during the student-athlete's initial year of full-time collegiate enrollment when the student-athlete was representing an NCAA institution. (December 2009, updated December 2012)

Extraordinary circumstances or extreme hardship. Cases that do not meet the legislative requirement of "more than one year" of circumstances beyond the control of the student-athlete and institution may be considered under the legislated authority of extraordinary circumstances or extreme hardship. The committee supported the ~~Division II governance and member services~~ staff's current case-by-case analysis. (May 2010)

Timing. For cases in which a student-athlete has two-denied participation opportunities, the committee indicated the ~~Division II governance and member services~~ staff may consider an extension request as early as when the student-athlete has entered his or her eighth full-time semester/12th full-time quarter of enrollment conditioned on the student-athlete maintaining full-time enrollment in his or her ninth and 10th semesters or 13th, 14th and 15th quarters. (May 2010; updated May 2020)

Self-application of Bylaw 14.4.3, Extension of Eligibility Waivers. In certain instances, an institution may self-apply a two-semester/three-quarter extension of eligibility. Please refer to the [Previously Approved Request List](#) for specific criteria.

## GENERAL ISSUES.

### 1. Service Learning as a Condition for Reinstatement.

- a. For violations occurring prior to August 1, 2014. The committee noted that service learning should not be used as a substitute condition for repayment. Situations that may warrant service learning include violations where: (1) The student-athlete received no financial benefit; (2) Gained no competitive advantage; and (3) Had minimal culpability. The committee noted that in those very rare cases where service learning is imposed, the institution would be held responsible for the supervision, documentation and notification to the ~~Division II governance and member services~~ staff of progress and fulfillment of the service. (June 2000, updated May 2008)
- b. For violations occurring on or after August 1, 2014. The committee directed the reinstatement staff to permit institutions the option to have an individual complete service learning or make financial repayment in conjunction with certain violations generally requiring a donation to charity for receipt of an impermissible tangible benefit. The committee noted it is not permissible for an institution to enter into a repayment plan for a portion of the impermissible benefit and a service-learning plan for the remainder of the impermissible benefit. Service learning is not

available as a condition of reinstatement for violations involving sports wagering or receipt of benefits from an agent.

(1) Guidelines for violations occurring on August 1, 2014 through June 11, 2019:

- (a) Value of the benefit ranges from greater than \$100 to \$400 = 10 service-learning hours.
- (b) Value of the benefit ranges from greater than \$400 to \$700 = 20 service-learning hours.
- (c) Value of the benefit ranges from greater than \$700 to \$1,000 = 30 service-learning hours.
- (d) Value of the benefit is greater than \$1,000 = 30 service-learning hours plus an additional 10 service-learning hours for any part of each \$500 increment over \$1,000. [Example: Value of the benefit is \$1,250 = 40 service-learning hours (30 + 10).]

(2) Guidelines for violations occurring on or after June 12, 2019:

- (a) Value of the benefit is \$500 or less = 10 service-learning hours.
- (b) Value of the benefit ranges from greater than \$500 to \$800 = 20 service-learning hours.
- (c) Value of the benefit ranges from greater than \$800 to \$1,000 = 30 service-learning hours.
- (d) Value of the benefit is greater than \$1,000 = 30 service-learning hours plus an additional 10 service-learning hours for any part of each \$500 increment over \$1,000. [Example: Value of the benefit is \$1,250 = 40 service-learning hours (30 + 10).] (June 2019)

c. Required service-learning hours must be completed at an Internal Revenue Code Section 501(c)(3) tax-exempt organization. [Examples of charitable organizations where service-learning hours may be completed include but are not limited to Special Olympics, Boys and Girls Club, American Heart Association, United Way.] (May 2017)

- d. Additionally, the service-learning requirement must be completed:
  - (1) Through an organization that does not exist exclusively for an athletics purpose; and
  - (2) Independent of any team, department of athletics or required institutional service-learning activities.
  - (3) Required service-learning hours may be spread throughout the duration of a student-athlete's eligibility but must be completed prior to the student-athlete's last regular season contest or date of competition. Similar to situations when an institution and student-athlete enter into a repayment plan, the institution shall submit a schedule for completion of service learning to the ~~Division II governance and member services~~ staff for approval as part of the reinstatement request, and the institution is responsible for monitoring the fulfillment of service learning hours. Failure to complete service-learning hours in accordance with the service-learning plan may result in additional violations and/or the inability of the institution to use service learning as a condition of reinstatement in the future. Additionally, the committee confirmed the current withholding guidelines and an assessment of culpability of the involved individual(s) remains applicable to these violations. (May 2014, affirmed December 2014, May 2017)

2. **Education-Impacting Disability.** (December 2013)

- a. Definition: The NCAA defines a disability as a current impairment that has a substantial educational impact on a student's academic performance and requires accommodation.

NOTE: Not everyone with a diagnosed condition is disabled by it and not all disabilities result in a substantial limitation or impairment (that requires accommodation).

- b. If a student-athlete's diagnosed EID is asserted as mitigation, the institution must submit full and complete documentation in the NCAA Requests/Self-Reports Online Case Management System (RSRO) [e.g., current, signed documentation of diagnosis from the treating professional, letters of assessment/recommendation, student-athlete statement that addresses the impact of the disability, letter from the institution's office of disability services specifying accommodations (if the student-athlete has voluntarily disclosed his or her diagnosed disability)].
- c. In addition to the above-noted documentation, the ~~Division II governance and member services~~ staff may consider the following:

- (1) Timing of the diagnosis;
- (2) Type of accommodations provided (if accommodations were provided and not used by student-athlete, a statement from the student-athlete addressing why accommodations were not used);
- (3) Trending of the student-athlete's academic performance prior to and after the diagnosis; and
- (4) Other information, as determined by the Division II governance and member services staff, on a case-by-case basis.

**3. Ineligibility for Multisport Student-Athlete.**

- a. Multisport student-athletes are required to fulfill the repayment condition in order to participate in any one of their sports. In cases where a multisport student-athlete must fulfill the reinstatement condition of missing competition as a result of a violation that is not sport specific, and the withholding condition imposed is greater than the remainder of the sport's season in which the student-athlete is currently participating, the committee instructed the Division II governance and member services staff to withhold the student-athlete from the remainder of the current season's contests and the regularly scheduled contests of the next sport in which the student-athlete will be participating.
- b. In cases where a multisport student-athlete must fulfill the reinstatement condition of missing competition as a result of a violation that is sport specific, and the withholding condition imposed is greater than the remainder of the sport's season in which the student-athlete is currently participating, the committee instructed the Division II governance and member services staff to withhold the student-athlete from the remainder of the current season's contests and fulfill the remaining withholding condition during the next season in that sport.

The committee noted the student-athlete must be on the institution's eligibility list(s) prior to the violation in order for the student-athlete to fulfill the withholding condition in more than one sport. (December 2007, updated December 2014)

**4. NCAA Committee Waivers and Reinstatement Outcomes.**

- a. When processing cases where crossover exists with the NCAA Division II Committee for Legislative Relief waiver team and the NCAA Division II Academic Requirements Committee Subcommittee on Progress-Toward-Degree waiver team (e.g., 2-4 transfer, progress toward degree), the Division II governance and member services staff is to consider the following:

- (1) Consult and take into consideration decisions rendered by other waiver teams. The ~~Division II governance and member services~~ staff is not bound by either teams' waiver outcomes.
- (2) When reviewing a reinstatement case involving a violation, the ~~Division II governance and member services~~ staff can consult with other waiver teams and consider whether a waiver filed prior to the violation could have made the activities permissible.

b. Student-athletes can use practice or competition missed while another waiver is pending to fulfill a withholding condition provided:

- (1) The missed practices or competitions are only counted from the date the other waiver request is received by the NCAA;

**AND**

- (2) The other waiver is subsequently granted rendering the student-athlete immediately eligible for practice and/or competition. (May 2008)

**5. Effective Date of New or Modified Guideline.**

- The effective date of any new or modified guidelines shall occur after the publication of the guideline to the membership, absent a specifically identified effective date. (December 2008)