



**REPORT OF THE
NCAA DIVISION II COMMITTEE ON STUDENT-ATHLETE REINSTATEMENT
MAY 13, 2020, MEETING**

ACTION ITEMS.

1. Legislative items.

- **Noncontroversial Legislation – NCAA Division II Bylaw 16.8.2.1 – Awards and Benefits – Expenses Provided by the Institution for Practice and Competition -- Nonpermissible - Travel Expenses During the Winter Break – De Minimis Violations.**

- (1) Recommendation. Adopt noncontroversial legislation to Bylaw 16.8.2.1 (travel expenses during the winter break) to specify that travel expenses received by a student-athlete in conjunction with away-from-home competition during the winter break period shall be considered de minimis violations and do not impact a student-athlete's eligibility.
- (2) Effective date. Immediate.
- (3) Rationale. Current legislation requires a student-athlete to make restitution of the value of the impermissible travel expenses received in conjunction with away-from-home competition during the winter break period. However, similar violations of Bylaw 16.8.1 (permissible) where a student-athlete impermissibly receives actual and necessary expenses to represent an institution in competition, are de minimis and do not impact a student-athlete's eligibility or require that a student-athlete make restitution. The NCAA Division II Committee on Student-Athlete Reinstatement believes violations involving Bylaws 16.8.1 and 16.8.2.1 should be treated similarly since they involve the provision of institutionally issued competition related expenses during an impermissible time. The committee noted student-athletes have no culpability or responsibility for these violations given institutions are responsible for certifying that student-athletes are eligible to receive competition-related expenses, and requiring repayment would be overreaching. Finally, eliminating this requirement may reduce burden on compliance administrators as a student-athlete reinstatement request would no longer need to be filed for relief from repayment. This amendment would not eliminate the need to report an institutional violation.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

2. Nonlegislative items.

- None.

INFORMATIONAL ITEMS.

- 1. Review of student-athlete name, image and likeness.** The committee received a presentation and provided feedback on the legislative concepts related to the use of a student-athlete's name, image and likeness developed by the NCAA Division II Legislation Committee.
- 2. Pre- and post-enrollment agent violations.** The committee reviewed data from the past five years related to pre- and post-enrollment agent violations. While the committee affirmed the guidelines associated with pre-enrollment benefits from an agent and agent agreements, the committee amended the pre-enrollment amateurism certification guideline specific to violations associated with scholarship agents. The committee believed reducing the withholding condition associated with the use of scholarship agents from 10 percent to complete relief was appropriate given lack of prospective student-athlete culpability as a result of limited rules education. The committee noted this guideline change is effective for all amateurism certification decisions occurring on or after April 1, 2020. The committee affirmed the guidelines specific to post-enrollment agent violations.
- 3. Discussion of season-of-competition waivers -- competition while ineligible involving timing of competition.** The committee reviewed the current season-of-competition, competition while ineligible legislation. The committee discussed whether the timing of when a student-athlete's competition occurs should be added as a requirement in the legislation. The committee noted the current legislation is suitable and no changes should be proposed at this time. The committee directed the NCAA student-athlete reinstatement staff to continue to monitor waiver requests and provide an update to the committee during its spring 2021 meetings.
- 4. Review of the NCAA Growth, Opportunities, Aspirations and Learning of Students study.** The committee received a presentation of the NCAA Growth, Opportunities, Aspirations and Learning of Students (GOALS) study from the staff.
- 5. Review of previously approved request list.** The committee reviewed the previously approved request list and endorsed the recommended edits and editorial revisions. The committee noted this change is effective on or after May 13, 2020, for all waiver requests that meet the criteria outlined in the previously approved request list.

6. **Review of the NCAA Division II Committee on Student-Athlete Reinstatement Guidelines.** The committee reviewed and approved editorial revisions to the Division II Guidelines.
7. **Discussion of student-athlete reinstatement issues involving COVID-19.** Staff updated the committee on the impact of COVID-19 on issues related to student-athlete reinstatement. The committee agreed staff should provide flexibility in permitting spring sport student-athletes with unfulfilled withholding conditions from spring 2020 to count the number of contests/dates of competition withheld during the 2019-20 season toward the number of contests/dates of competition required by the withholding condition, provided the student-athlete was otherwise eligible to compete, and:
 - (1) The institution completed a portion of the season in the student-athlete's spring sport during the 2019-20 academic year;
 - (2) The institution withheld the student-athlete from all competition in that sport during the 2019-20 season; and
 - (3) The student-athlete did not have an opportunity to use a season of competition during the 2019-20 academic year because the remainder of the institution's season was cancelled due to COVID-19.

Additionally, the committee noted staff should continue to request contemporaneous medical documentation, as required by legislation when processing extensions of eligibility, season-of-competition waivers – competition while eligible, hardship waivers and hardship waiver appeals. The committee noted in circumstances where an institution asserts required contemporaneous medical documentation is unavailable or cannot be obtained due to the impact of COVID-19, staff may provide flexibility where appropriate. The committee will review and revisit the challenges associated with obtaining contemporaneous medical documentation due to COVID-19 during its December 2020 meeting.

8. **Other business.**
 - a. The committee elected Jessica Harbison Weaver, associate commissioner, Pacific West Conference, as chair.
 - b. The committee reviewed and approved the report from its November 2019 in-person meeting.
9. **Future meetings.** The committee established the following future meeting dates and locations:

- a. December 1-2, 2020, Indianapolis; and
- b. May 11, 2021, Videoconference.

Committee Chair: Daniel Mara, Central Atlantic Collegiate Conference.

Staff Liaisons: Jess Rigler, Academic and Membership Affairs.

Julie Sargent, Academic and Membership Affairs.

Danielle Teetzel, Academic and Membership Affairs.

NCAA Division II Committee on Student-Athlete Reinstatement May 13, 2020, Meeting
Attendees:
Teresa Clark, Cedarville University.
Marcus Grant, Central Intercollegiate Athletic Association.
Jessica Harbison Weaver, Concordia University Portland.
Daniel Mara, Central Atlantic Collegiate Conference.
Katelyn Severance, Texas A&M University-Commerce
Katherine Pigsley, Southern New Hampshire University.
NCAA Support Staff in Attendance:
Jess Rigler, Julie Sargent and Danielle Teetzel.
Other NCAA Staff Members in Attendance:
Cynthia Alanis, Etta Biloon, Stephanie Grace, Kelsey Gurganus, Maison Haines, Chelsea Hooks, Maritza Jones, Sarah Otey, Liz Perry, Ta’Shia Phillips, Stephanie Quigg, Adam Replogle, Brad Rochman, Zach Romash, Karen Wolf and Michael Woo.