



**REPORT OF THE
NCAA DIVISION II COMMITTEE ON STUDENT-ATHLETE REINSTATEMENT
NOVEMBER 19-20, 2019 MEETING**

ACTION ITEMS.

1. Legislative items.

- **Noncontroversial legislation – NCAA Division II Bylaws 12.1.1.1.3.1 and 14.3.2.1 – eligibility and recruiting -- participation before certification – recruited and nonrecruited student-athlete.**

- (1) Recommendation. Adopt noncontroversial legislation to amend NCAA Division II Bylaws 12.1.1.1.3.1 (participation before certification – recruited and nonrecruited student-athlete) and 14.3.2.1 (participation before certification – recruited and nonrecruited student-athlete), to specify that violations involving a student-athlete's participation in practice or competition without final amateurism certification from the NCAA Eligibility Center, who are subsequently certified without conditions, and violations involving a student-athlete's receipt of financial aid and/or participation in practice or competition without final academic certification from the NCAA Eligibility Center, who are subsequently certified as a qualifier, shall be considered de minimis violations and do not impact a student-athlete's eligibility.
- (2) Effective date. Immediate, for any violations occurring on or after August 1, 2020.
- (3) Rationale. Current legislation requires institutions to file a student-athlete reinstatement request when a student-athlete participates in practice or competition without a final amateurism and/or academic certification from the NCAA Eligibility Center. Student-athletes who are subsequently certified without an amateurism condition or as an academic qualifier are often withheld from competition as a condition of reinstatement. The NCAA Division II Committee on Student-Athlete Reinstatement believes withholding these student-athletes is counterproductive and is contrary to student-athlete well-being, particularly when institutions are ultimately responsible for ensuring student-athletes are eligible prior to competition and bear responsibility for the oversight. Finally, eliminating this requirement may reduce burden on compliance administrators. This amendment will not eliminate the need to report an institutional violation.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

2. Non-legislative items.

- **None.**

INFORMATIONAL ITEMS.

- 1. Review NCAA Division II Committee on Student-Athlete Reinstatement June 2019 report.** The committee reviewed and approved the report from its June 2019 in-person meeting.
- 2. Review philosophy statement.** The committee reviewed its philosophy statement.
- 3. Previously approved waivers and reinstatement requests.** The committee approved a concept to allow institutions to self-apply certain student-athlete reinstatement requests without filing a formal request through NCAA Requests/Self-Reports Online and approved a list of previously approved requests for which this flexibility may apply. The committee noted the institution may only reinstate a student-athlete if the institution's circumstances appear on the designated list of previously approved requests and the circumstances satisfy all specified criteria. If an institution's circumstances do not appear on the designated list of previously approved requests or if the circumstances do not satisfy all of the established criteria, the institution must submit a formal student-athlete reinstatement request through RSRO. An institution that reinstates a student-athlete based on the previously approved reinstatement request list must file a violation report with the NCAA enforcement staff through RSRO and indicate that the student-athlete has been reinstated pursuant to the previously approved request list. The committee agreed to review the previously approved request list during its May 2020 meeting to determine if other items should be added. Please see attached previously approved request list.
- 4. Five-year data review of committee cases.** The committee reviewed a summary of student-athlete reinstatement cases processed over the past five years.
- 5. Application of withholding conditions for season-of-competition waivers – competition while eligible and hardship waivers/hardship waiver appeals.** The committee reviewed season-of-competition (while eligible) waivers and hardship waivers in which withholding was imposed as a condition of approving a waiver. The committee determined that when a waiver is approved with a withholding condition, the institution should be permitted to apply the withholding condition to the first regularly scheduled contest(s) or date(s) of competition in any one of the student-athlete's remaining seasons of competition.

6. **Review of pre-enrollment dollar-value withholding guidelines.** The committee reviewed violations of Bylaw 13.2.1 (offers and inducements) and updated the guidelines as follows:

Previous Guidelines	Amended Guidelines
Greater than \$200-\$500 = repayment	Greater than \$200-\$500 = repayment
Greater than \$500-\$700 = repayment and 10% withholding	Greater than \$500-\$800 = repayment and 10% withholding
Greater than \$700-\$1,000 = repayment and 20% withholding	Greater than \$800-\$1,100 = repayment and 20% withholding
Greater than \$1,000 = repayment and 30% withholding	Greater than \$1,100 = repayment and 30% withholding

7. **Withholding for reinstatement conditions that charge full seasons of competition.** The committee reviewed case precedent wherein the reinstatement decision involved a condition that charged full seasons of competition. In cases where a prospective or enrolled student-athlete is charged with the use of more than one season of competition as a condition of reinstatement, the committee determined NCAA student-athlete reinstatement staff may provide relief from withholding the prospective or enrolled student-athlete from more than one season of competition.
8. **Review of student-athlete reinstatement policy regarding involvement with NCAA enforcement staff.** The committee reviewed and amended its policy regarding reinstatement staff's involvement with the NCAA enforcement staff to specify if the enforcement staff determines that the institution's request for reinstatement contains information that is either contradictory to information obtained by the enforcement staff or appears incomplete, the reinstatement and enforcement staffs may follow up with the institution specific to the concerns.
9. **Review of waiver guideline specific to legal issues and allegations.** The committee reviewed its current guideline specific to legal issues and allegations, which is specific to extension requests, and determined the guideline should apply to all waiver types processed by the reinstatement staff and committee. Specifically, for all waiver types a reinstatement staff waiver decision should not supersede institutional action.

- 10. Documentation standards imposed in waivers asserting financial hardship or other hardship unrelated to injury or illness.** The committee amended its guideline specific to situations which gradually develop into extreme financial difficulties, and determined those circumstances may satisfy the specific event legislation if: (1) The financial hardship is supported by objective documentation; (2) The extreme financial difficulties directly impacted the student-athlete's 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. The committee also provided guidance on documentation standards applied in waivers asserting financial hardship or other hardship unrelated to injury or illness and directed reinstatement staff to continue reviewing these waivers on a case-by-case basis.
- 11. Documentation retention.** The committee reviewed the NCAA national office document retention policy as determined by the NCAA Office of Legal Affairs. The committee requested that the reinstatement staff track on any changes in policy that would apply to student-athlete reinstatement case documentation and amend procedure consistent with recommendations from the Office of Legal Affairs.
- 12. Competition during final semester of enrollment while enrolled less than full time or while enrolled in nondegree applicable courses.** The committee reviewed a referral from the NCAA Division II Management Council specific to the transition of authority in cases involving scenarios where a student-athlete uses a legislative exception to compete in a final semester while enrolled less than full time or in courses not counted toward their degree program in a final term. The committee agreed to transfer authority of review of these cases from the NCAA Division II Committee for Legislative Relief to the Committee on Student-Athlete Reinstatement. The Committee on Student-Athlete Reinstatement directed reinstatement staff to review these reinstatement requests on a case-by-case basis.
- 13. Amateurism certification process case update.** The committee reviewed a summary of amateurism certification case decisions, including appeals heard by the committee, for the 2019-20 academic year.
- 14. Review of Division II guidelines.** The committee reviewed and approved editorial revisions to the NCAA Division II Committee on Student-Athlete Reinstatement Guidelines.
- 15. Review of flexible case decisions.** The committee reviewed reinstatement staff decisions for which the reinstatement staff provided relief from established case precedent and/or committee guidelines or where no case precedent existed.

16. **Review of policies and procedures.** The committee reviewed and approved revisions to the NCAA Divisions I, II and III Committees on Student-Athlete Reinstatement Policies and Procedures.
17. **Division II governance update.** Reinstatement staff provided an update on the 2019-20 NCAA Division II Priorities.
18. **Continuing education.** The enforcement staff provided the committee with continuing education specific to enforcement trends in Division II.
19. **Division II summary of legislative actions.** The committee received an update on legislation in the cycle relevant to student-athlete reinstatement.
20. **Litigation update.** The committee received a litigation update from the NCAA vice president for law, policy and governance.
21. **Review Conflict of Interest Policy.** The committee reviewed the NCAA Conflict of Interest Policy.
22. **Future meetings.** The committee established the following future meeting dates and locations:
 - a. May 13-14, 2020, Indianapolis; and
 - b. December 1-2, 2020, Indianapolis.

Committee Chair: Daniel Mara, Central Atlantic Collegiate Conference.
Staff Liaisons: Danielle Teetzel, Academic and Membership Affairs.
Jess Rigler, Academic and Membership Affairs.
Julie Sargent, Academic and Membership Affairs.

NCAA Division II Committee on Student-Athlete Reinstatement November 19-20, 2019 Meeting	
Attendees:	
Teresa Clark, Cedarville University.	
Marcus Grant, Central Intercollegiate Athletic Association.	
Jessica Harbison Weaver, Concordia University Portland.	
Daniel Mara, Central Atlantic Collegiate Conference.	
Katherine Pigsley, Southern New Hampshire University.	
Absentees:	
Katelyn Severance, Texas A&M University-Commerce.	
Guests in Attendance:	
None.	
NCAA Support Staff in Attendance:	
Adam Replogle, Jess Rigler, Julie Sargent and Danielle Teetzel.	
Other NCAA Staff Members in Attendance:	
Chelsea Hooks, Kelly Groddy, Maritza Jones and Karen Wolf.	