



**REPORT OF THE  
NCAA DIVISION II COMMITTEE ON STUDENT-ATHLETE REINSTATEMENT  
NOVEMBER 15, 2023, VIDEOCONFERENCE**

**ACTION ITEMS.**

**1. Legislative Items.**

- **None.**

**2. Nonlegislative Items.**

**a. Mental Health Hardship Waiver.**

- (1) Recommendation. Approve a two-year pilot program for the 2023-24 and 2024-25 academic years establishing a hardship waiver based on mental health assertions, as specified. [Attachment A]
- (2) Effective date. Immediately, for hardship waivers with mental health assertions during the 2023-24 and 2024-25 academic years.
- (3) Rationale. Mental health concerns have risen related to student-athletes in recent years. Recognizing this is an area of importance for the Association, establishing a mental health hardship waiver would better support student-athletes with mental health concerns asserted as the reason they competed limitedly. Expanding the documentation standards recognizes student-athletes may not know to seek help until after the season in question. Further, mental health conditions are documented differently than physical injuries, so traditional contemporaneous medical documentation that establishes an individual is incapacitated from competing might not be appropriate in every mental health scenario.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. Student-athletes would have a specific waiver type available for their institutions to file when mental health is asserted as the reason the student-athlete competed limitedly.

**b. Request for Feedback from the NCAA Division II Student-Athlete Advisory Committee, NCAA Division II Coaches Connection, Division II Conference Commissioners Association Compliance Administrators and Division II Institutional Compliance Administrators -- NCAA Division II Bylaw 14.2.4.1 -- Eligibility -- Seasons of Competition: 10-Semester/15-Quarter Rule -- Criteria for Determining Season of Eligibility -- Minimum Amount of Competition.**

- (1) Recommendation. That the NCAA Division II Management Council request the Division II Student-Athlete Advisory Committee, Division II Coaches Connection, Division II Conference Commissioners Association Compliance

Administrators and Division II institutional compliance administrators provide feedback on the current application of Division II Bylaw 14.2.4.1 (minimum amount of competition). Specifically, the committee requests feedback on the following:

- (a) Is Division II Bylaw 14.2.4.1 (minimum amount of competition) still appropriate?
- (b) Should certain participation (e.g., scrimmage) trigger a season of competition, regardless of the year?
- (c) Should there be a minimum threshold of competition that a student-athlete participates in before they trigger a season of competition (e.g., 30% of Bylaw 17 maximums)?
- (d) Would it be beneficial to student-athletes to expand Division II Bylaw 14.2.4.1 (minimum amount of competition)?
- (e) Are there any unintended consequences to expanding the legislation (e.g., prolong graduation)?

(2) Effective date. Immediate.

(3) Rationale. As part of the work of the Division II Implementation Committee, the Division II Committee on Student-Athlete Reinstatement was charged with reviewing the season-of-competition legislation. The committee would like to seek feedback from practitioners and others before recommending any changes to the legislation.

(4) Estimated budget impact. None.

(5) Student-athlete impact. None.

**c. Request for Feedback from the Student-Athlete Advisory Committee, Coaches Connection and Compliance Administrators -- Bylaw 14.2.4.1.6 -- Eligibility -- Seasons of Competition: 10-Semester/15-Quarter Rule -- Criteria for Determining Season of Eligibility -- Minimum Amount of Competition -- Preseason Exhibition Contests or Dates of Competition/Preseason Scrimmage During Initial Year.**

- (1) Recommendation. That the Management Council request the Student-Athlete Advisory Committee, Coaches Connection and Division II compliance administrators provide feedback on Bylaw 14.2.4.1.6 (preseason exhibition contests or dates of competition/preseason

scrimmage during initial year). Specifically, the committee requests feedback on the following:

- (a) Should Division II Bylaw 14.2.4.1.6 (preseason exhibition contests or dates of competition/preseason scrimmage during initial year) be amended to permit student-athletes to participate in preseason exhibition contests or dates of competition or preseason scrimmages beyond their initial year of collegiate enrollment and not use a season of competition?
- (b) Is this legislation still appropriate?

- (2) Effective date. Immediate.
- (3) Rationale. As part of the work of the Division II Implementation Committee, the Division II Committee on Student-Athlete Reinstatement was charged with reviewing the season-of-competition legislation. The committee would like to seek feedback from practitioners and others before recommending any changes to the legislation.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

**d. Feedback from the Student-Athlete Advisory Committee, Coaches Connection and Conference Commissioners Association Compliance Administrators – Bylaw 14.2.5.2.3 -- Eligibility -- Seasons of Competition: 10-Semster/15-Quarter Rule -- Criteria for Determining Season of Eligibility -- Hardship Waiver -- Criteria for Administration of Hardship Waiver -- First-Half-of-Season Calculation.**

- (1) Recommendation. That the Management Council request the Student-Athlete Advisory Committee, Coaches Connection and Conference Commissioners Association Compliance Administrators provide feedback on the current application of Bylaw 14.2.5.2.3 (first-half-of-season calculation) and whether the first-half-of season calculation legislation is still appropriate in Division II.
- (2) Effective date. Immediate.
- (3) Rationale. As part of the work of the Division II Implementation Committee, the Division II Committee on Student-Athlete Reinstatement was charged with reviewing the hardship waiver legislation. The committee would like to seek feedback from practitioners and others before recommending any changes to the legislation.

- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.
- e. **NCAA Division II Committee on Student-Athlete Reinstatement Sports Wagering Guidelines.**
  - (1) Recommendation. That the Management Council approve amendments to the sports wagering guidelines, as specified. [Attachment B]
  - (2) Effective date. Immediate, for violations reported on or after November 2023.
  - (3) Rationale. The legislative codification of the prohibition on sports wagering dates back over 30 years. Over time, the Division II membership incrementally modernized the legislation to better reflect the nature of the sports betting landscape, including the elimination of the legislated sports wagering sanctions in 2018. Since that time there has been an unprecedented proliferation of legal and regulated sports wagering in the United States, including drastic changes in the Internet-based nature of the majority of that wagering (e.g., through Internet sportsbooks, daily fantasy sites). There have also been changes to NCAA sports wagering championships hosting policy which now allows states that have single-game sports betting the opportunity to host NCAA championship events. Further, signaling an evolving landscape in this area, institutions and conferences have entered official partnerships with gaming companies. The amended guidelines offer the opportunity for the Division II Committee on Student-Athlete Reinstatement and NCAA student-athlete reinstatement staff to review cases on an individual basis and consider the totality of the circumstances while recognizing the Association's continued emphasis on the severity of sports wagering violations.
  - (4) Estimated budget impact. None.
  - (5) Student-athlete impact. Student-athletes will be provided the benefit of additional consideration of mitigating factors, as appropriate.

**INFORMATIONAL ITEMS.**

1. **Review of NCAA Division II Implementation Committee's recommendation to review hardship waivers, season-of-competition waivers and extension of eligibility waivers.** The committee reviewed a recommendation from the Division II Implementation Committee to review hardship waivers, season-of-competition waivers and extension of eligibility waivers and discussed Division II Bylaw 14.2 (seasons of competition:

10-semester/15-quarter rule). Specifically, the committee agreed it is important to support student-athlete mental health and more flexibility should be afforded when mental health is the assertion for why a student-athlete participated limitedly. As such, the committee recommended a two-year pilot program that would establish a hardship waiver for mental health [see Nonlegislative Action Item 2a]. The committee also recommended that the Student-Athlete Advisory Committee, Coaches Connection, Conference Commissioners Association Compliance Administrators and institutional compliance administrators provide feedback on the application of Bylaw 14.2.4.1 (minimum amount of competition) [see Nonlegislative Action Item 2b], Bylaw 14.24.1.6 (preseason exhibition contests or dates of competition/preseason scrimmage during initial year) [see Nonlegislative Action Item 2c] and Bylaw 14.2.5.2.3 (first-half-of-season calculation) [see Nonlegislative Action Item 2d]. Additionally, the committee was supportive of staff using a year a student-athlete is unable to compete in intercollegiate athletics due to training or competition with their country's national team as a denied participation opportunity. Finally, the committee emphasized situations that are within the student-athlete's or the institution's control should not be the sole basis for waivers being approved.

2. **Review of sports wagering dollar-value based withholding guidelines.** The committee reviewed its guidelines for sports wagering violations. The committee instructed staff to continue reviewing cases on a case-by-case basis. The committee also noted staff should continue acknowledging the evolving landscape specific to sports wagering while underscoring the severity of activities designed to influence the integrity of competitions and addressing the growing need to re-center student-athlete health and well-being as a primary focus within the sports wagering policy. Additionally, the committee noted mitigating factors for relief should not include: (1) Student-athletes self-reporting their sports wagering violations; and (2) The dollar value of a wager in regard to wagering on college athletics. Further, in violations that present well-being concerns, the committee will continue discussing opportunities to prioritize treatment and education over sanction. [See Nonlegislative Action Item No. 2e.]
3. **Review of the Division II Committee on Student-Athlete Reinstatement Guidelines.** The committee reviewed and approved editorial revisions to the Division II Committee on Student-Athlete Reinstatement Guidelines.
4. **NCAA Division II Summary of Legislative Actions.** The committee received an update on legislative actions relevant to student-athlete reinstatement.
5. **Review of the 2023-24 Division II Priorities.** The committee received an update on the Division II priorities for 2023-24.
6. **Approval of the June 15, 2023, in-person meeting report of the Division II Committee on Student-Athlete Reinstatement.** The committee reviewed and approved its June 15, 2023, in-person meeting report.

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

- a. May/June 2024, in-person meeting; Indianapolis.
- b. November/December 2024, videoconference; timing to be determined.

*Committee Chair:* Jessica Harbison-Weaver, Pacific West Conference.  
*Staff Liaison(s):* Maison Hubbard, Academic and Membership Affairs.  
Jess Rigler, Academic and Membership Affairs.

NCAA Division II Committee on Student-Athlete Reinstatement November 15, 2023, Videoconference	
<b>Attendees:</b>	
Lynn Griffin, Coker University.	
Jessica Harbison-Weaver, Pacific West Conference.	
Kristi Kiefer, Fairmont State University.	
Scott Larson, Black Hills State University.	
Dani Mabry, Rockhurst University.	
Denise Wisniewski, Chestnut Hill College.	
<b>Absentees:</b>	
None.	
<b>Guests in Attendance:</b>	
None.	
<b>NCAA Support Staff in Attendance:</b>	
Maison Hubbard and Jess Rigler.	
<b>Other NCAA Staff Members in Attendance:</b>	
Cynthia Alanis, James Bullock, Connor Bush, Dana Conner, Chelsea Hooks, Sarah L’Hommedieu, Maritza Jones, Liz Perry, Angela Red, Brad Rochman, Jerry Vaughn and Julie Zike.	

NCAA DIVISION II: MENTAL HEALTH HARDSHIP WAIVER RECOMMENDATION

<p><b><u>Current Legislation: Hardship Waiver:</u></b></p> <ul style="list-style-type: none"> <li>• Student-athlete cannot compete in more than 30% of the playing season.</li> <li>• All competition has to occur during first half of the championship playing season.</li> <li>• Injury or illness has to occur during first half of traditional playing season.</li> <li>• School is required to provide contemporaneous medical documentation demonstrating student-athlete remained incapacitated remainder of the season.</li> </ul>	<p><b><u>Incorporating Committee Feedback:</u></b></p> <ul style="list-style-type: none"> <li>• Student-athlete cannot compete in more contests or dates of competition than a number equivalent to three or 30% of the standard denominator, where the standard denominator is determined by the maximum number of contests or dates of competition.</li> <li>• All <u>competition</u> must occur during first half of championship playing season. <ul style="list-style-type: none"> <li>○ Note: A student-athlete who meets the criteria for receipt of a mental health hardship waiver may practice and/or participate in rehabilitative activities for the remainder of the season and still qualify for a hardship waiver.</li> </ul> </li> <li>• Contemporaneous <i>or</i> noncontemporaneous medical documentation from a licensed practitioner qualified to provide mental health services (see Interassociation Consensus: Mental Health Best Practices) must demonstrate that the student-athlete’s mental health issue or condition occurred during the season in question, occurred before completion of the first half of the championship playing season, and prevented the student-athlete from competing in more than three or 30% of the traditional playing season in that sport for the season being waived.</li> </ul>
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a. Guidelines for violations reported on or after November 15, 2023:

- (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 reinstatement 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 reinstatement 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.

In cases where the impermissible sports wagering activity greatly exceeds \$800, the committee directed the reinstatement 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*)