



**REPORT OF THE
NCAA DIVISION III COMMITTEE ON STUDENT-ATHLETE
REINSTATEMENT DECEMBER 4-5, 2018, MEETING**

ACTION ITEMS.

1. Legislative items.

- **Noncontroversial Legislation – NCAA Division III Bylaw 12.4.1 – Amateurism – Criteria Governing Compensation to Student-Athletes.**
 - (1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 12.4.1 (criteria governing compensation to student-athletes) to designate violations as restitution [**R**] violations, which do not affect eligibility if the value of the benefit is \$200 or less provided the student-athlete makes restitution to a charity of his or her choice prior to competing.
 - (2) Effective date. Immediate, for violations occurring on or after the date of adoption of the noncontroversial proposal.
 - (3) Rationale. Currently, violations of Bylaw 12.4.1 require an institution to file a student-athlete reinstatement request for the involved student-athlete regardless of the amount of impermissible compensation. The NCAA Division III Committee on Student-Athlete Reinstatement noted the NCAA student-athlete reinstatement staff typically reinstates the eligibility of the involved student-athlete based on repayment of the value of the impermissible compensation to charity when the amount is \$200 or less. The committee agreed this proposal will reduce bureaucracies and increase efficiency for Division III institutions and better align Bylaw 12.4.1 with other restitution bylaws in the amateurism legislation. The committee also noted this change is not retroactive and impermissible compensation to student-athletes in any amount is an institutional violation that must be reported to the NCAA enforcement staff.
 - (4) Estimated budget impact. None.
 - (5) Student-athlete impact. None.

2. Nonlegislative items.

- **None.**

INFORMATIONAL ITEMS.

- 1. Philosophy statements.** The committee reviewed its philosophy statement.

2. **Governance update.** The committee received a governance update from managing director for Division III.
3. **Extension of eligibility waivers involving student-athletes with documented education-impacting disabilities.** The committee reviewed extension requests in which institutions asserted student-athletes were denied participation opportunities when, due to documented EIDs, the student-athletes chose to attend institutions that did not sponsor their sport. The committee directed the reinstatement staff to consider objective documentation including, but not limited to, the following in determining whether the student-athlete's attendance at an institution that did not sponsor the student's sport was necessitated by the student's EID and outside of the student-athlete's control: the student-athlete's individualized education program; contemporaneous documentation from an educational counselor recommending the student-athlete attend a specific institution; and objective documentation specific to the severity of the student-athlete's EID from an individual who assessed the student-athlete and is qualified and licensed to diagnose and treat the student-athlete's particular EID.
4. **Financial aid update.** The committee reviewed student-athlete reinstatement cases involving financial aid violations processed between April 1 and September 30, 2018, and archived two cases involving improper aid from an outside organization (Request/Self Reports Online Case Nos. 1034922 and 1035028).
5. **Review of guidelines.** The committee reviewed and approved editorial revisions to the NCAA Division III Committee on Student-Athlete Reinstatement Guidelines.
6. **Review of flexible student-athlete reinstatement decisions.** The committee reviewed recent reinstatement staff decisions that provided relief from established case precedent and/or committee guidelines and archived RSRO Case No. 1009308. All other cases were accepted and will remain available as precedent within RSRO consistent with NCAA Divisions I, II and III Committees on Student-Athlete Reinstatement Policies and Procedures.
7. **Continuing education.** The committee received continuing education specific to waivers involving mental health.
8. **Election of committee chair.** The committee selected Angela Marin as chair of the committee, effective January 2019.
9. **Review of NCAA Division III Management Council report.** The committee reviewed and approved the report from its May 2018 in-person meeting.

10. **Review and discussion of NCAA Division III Summary of Legislative Actions.** The committee received an update on selected 2019 NCAA Convention proposals.
11. **Update on NCAA amateurism certification process.** The committee reviewed a summary of pre-enrollment amateurism case decisions for the 2018-19 academic year.
12. **Waivers approved in one division and student-athlete transfers to another division.** The committee reviewed cases in which a waiver is approved for a student-athlete who subsequently transfers to an institution in another division. The committee determined that all waivers approved by the committee are applicable at any NCAA institution.
13. **Violations of NCAA Bylaw 12.4.1 (criteria governing compensation to student-athletes).** The committee reviewed cases involving student-athletes who receive compensation for work not actually performed or who are paid higher than the going rate for similar services. The committee instructed reinstatement staff to require repayment as the only condition of reinstatement for a student-athlete whose impermissible benefit is \$200 or less. Further, the committee adopted the current extra benefits dollar-value withholding guidelines for violations of Bylaw 12.4.1 where the value is greater than \$200.
14. **Update on hardship waiver case summary.** The committee received an update on the hardship waiver appeal summary format.
15. **Update on college basketball reform.** The committee received an update on educational materials created subsequent to the April 2018 report of the Commission on College Basketball from associate director of NCAA academic and membership affairs.
16. **Update from amateurism certification process staff.** The committee received an update on amateurism certification process changes effective with the 2018-19 amateurism certification cycle.
17. **Review of policies and procedures.** The committee reviewed and approved editorial revisions to the policies and procedures. The committee amended policies and procedures specific to required institutional representatives on teleconference appeals and default on repayment and/or community service plans. The committee also created a policy stating final reinstatement decisions will be codified in RSRO.
18. **Litigation update.** The committee received a litigation update from managing director of academic and membership affairs.
19. **Conflict of Interest Policy.** The committee reviewed its Conflict of Interest Policy.

20. Future meetings. The committee established the following future meeting dates and locations:

- a. June 11-12, 2019, Indianapolis.
- b. November 19-20, 2019, Indianapolis.

Committee Chair: Lisa Sardinia, Pacific University (Oregon).
Staff Liaisons: Stephanie Grace, Academic and Membership Affairs.
Zach Romash, Academic and Membership Affairs.

NCAA Division III Committee on Student-Athlete Reinstatement December 4-5, 2018, Meeting	
Attendees:	
Heather Benning, Midwest Conference.	
Matthew Burke, Fitchburg State College.	
Sean Cain, Adrian College.	
Angela Marin, University of Texas at Dallas.	
Lisa Sardinia, Pacific University (Oregon).	
Brian Williams, State University of New York at New Paltz.	
Absentees:	
None.	
Guests in Attendance:	
None.	
NCAA Support Staff in Attendance:	
Stephanie Grace and Zach Romash.	
Other NCAA Staff Members in Attendance for a portion of the meeting:	
Jenn Fraser, Louise McCleary, Jeff Myers, Naima Stevenson, Ashley Thornburg and Angela Tressel.	