



**REPORT OF THE
NCAA DIVISION III COMMITTEE ON STUDENT-ATHLETE REINSTATEMENT
JUNE 29-30, 2023, IN-PERSON MEETING**

ACTION ITEMS.

1. Legislative items.

- None.

2. Nonlegislative items.

- **NCAA Division III Committee on Student-Athlete Reinstatement Sports Wagering Guidelines.**

- (1) Recommendation. That the NCAA Division III Management Council ratify amendments to the sports wagering guidelines, as specified. [Attachment A]
- (2) Effective date. Immediate, for violations reported on or after June 30, 2023.
- (3) Rationale. The legislative codification of the prohibition on sports wagering dates back over 30 years. Over time, the NCAA Division III 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 2017. 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 NCAA Division III 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 sports wagering dollar-value based withholding guidelines.** The Committee on Student-Athlete Reinstatement 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 sports wagering policy. Further, in violations that present well-being concerns, the committee will continue discussing opportunities to prioritize treatment and education over sanction.

2. **Review of mental health hardship waiver.** The committee continued its discussion regarding establishing a mental health hardship waiver process. The committee noted the importance of consistency between the criteria for the existing hardship waiver and the proposed mental health hardship waiver, where appropriate. Specifically, the committee recommends the following criteria be employed in the administration of the mental health hardship waiver [Attachment B]:
 - a. Student-athlete cannot compete in more contests or dates of competition than a number equivalent to one-third of the standard denominator, where the standard denominator is determined by the maximum number of contests or dates of competition plus one contest or date of competition.

 - b. All **competition** must occur during first half of traditional playing season.
 - **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. A student-athlete who competes in that sport during the remainder of the season shall use a season of participation, unless the competition meets an exception (NCAA Division III Bylaw 14.2.5.3).

 - c. Contemporaneous *or* 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 traditional playing season, and prevented the student-athlete from competing in more than one-third of the traditional playing season in that sport for the season being waived.

The committee delayed its discussion regarding the implementation of the mental hardship waiver criteria until it receives feedback regarding the above criteria from the NCAA Division III Management Council. Once the criteria are finalized, the committee will recommend an approach for the implementation of a hardship waiver based on mental

- health. Options the committee is considering include, amending the current hardship waiver legislation, conducting a pilot program, amending the waiver policies/guidelines, and/or having the student-athlete reinstatement staff process these requests for a defined period.
3. **Review of cases involving post-enrollment professional team violations.** The committee reviewed violations where a student-athlete signs a contract with a professional team and/or compete with a professional team. The committee affirmed its current guideline for both violations and instructed staff to review violations involving professional teams on a case-by-case basis to determine if relief from the starting point of permanent ineligibility is appropriate. The committee instructed staff to consider the following in its analysis:
 - a. Whether the student-athlete accepted salary and/or benefits from the professional team.
 - b. Amount of competition with professional team.
 - c. Whether the student-athlete received advisement from an appropriate institutional authority (e.g., institution's compliance administrator) specific to permissibility of signing an agreement and/or competing with a professional team, and from whom.
 4. **Review Division III Committee on Student-Athlete Reinstatement November 2022 report.** The committee reviewed and approved the report from its November 2022 videoconference meeting.
 5. **Review of reinstatement guidelines and previously approved request list.** The committee reviewed and approved editorial revisions to the NCAA Division III Committee on Student-Athlete Reinstatement Guidelines, as well as the NCAA Division III Student-Athlete Reinstatement Previously Approved Request List.
 6. **Governance update.** The committee received a governance update from managing director of NCAA Division III governance.
 7. **Future meetings.** The committee established the following future meeting dates and locations:
 - a. November/December 2023 (exact date TBD) videoconference; and
 - b. May/June 2024 (exact date TBD), Indianapolis.

Committee Chair: Russell Rogers, Stevens Institute of Technology.

Staff Liaisons: Liz Perry, Academic and Membership Affairs.

Julie Zike, Academic and Membership Affairs.

NCAA Division III Committee on Student-Athlete Reinstatement June 29-30, 2023, Meeting	
Attendees:	
	Matt Hill, University of Northwestern.
	Chris Krum, Albion University.
	Kaitlin Leach, Vassar College.
	Russell Rogers, Stevens Institute of Technology.
	Abby Van Vlerah, Manchester University.
Absentees:	
	George Nazario, The College of New Jersey.
Guests in Attendance:	
	None.
NCAA Support Staff in Attendance:	
	James Bullock, Connor Bush, Maison Hubbard, Sarah L’Hommedieu, Liz Perry, Brad Rochman, Jerry Vaughn and Julie Zike.
Other NCAA Staff Members in Attendance:	
	Tiffany Alford, Corey Berg, Jennifer Henderson, Mark Hicks, Greg Pottorf and Bill Regan.

- a. Guidelines for violations reported on or after May 2, 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, updated May 2023)*
 - (2) In situations where a student-athlete participates in any sports wagering activity on their own sport at 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 50% of a season. *(May 2018, updated May 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 May 2023)*
 - (4) In addition, 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 May 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 May 2023)*

NCAA DIVISION III: MENTAL HEALTH HARDSHIP WAIVER RECOMMENDATION

<u>Current Legislation: Hardship Waiver:</u>	<u>Incorporating Committee Feedback:</u>
<ul style="list-style-type: none"> • Student-athlete cannot compete in more than one-third of the playing season. • All participation (competition and/or practice) has to occur during first half of traditional playing season. • Injury or illness has to occur during first half of traditional playing season. • School is required to provide contemporaneous medical documentation demonstrating student-athlete remained incapacitated remainder of the season. 	<ul style="list-style-type: none"> • Student-athlete cannot compete in more contests or dates of competition than a number equivalent to one-third of the standard denominator, where the standard denominator is determined by the maximum number of contests or dates of competition plus one contest or date of competition. • All <u>competition</u> must occur during first half of traditional playing season. <ul style="list-style-type: none"> ○ 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. A student-athlete who competes in that sport during the remainder of the season shall use a season of participation, unless the competition meets an exception (Bylaw 14.2.5.3). • 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 traditional playing season, and prevented the student-athlete from competing in more than one-third of the traditional playing season in that sport for the season being waived.