



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

**ACTION ITEMS.**

- **None.**

**INFORMATIONAL ITEMS.**

1. **Review philosophy statements.** The committee reviewed the Division III and the student-athlete reinstatement philosophy statements.
2. **Review June 2019 report.** The committee reviewed and approved the report from its June 2019 in-person meeting.
3. **NCAA Division III Summary of Legislative Actions.** The committee received an update on selected 2020 NCAA Convention proposals.
4. **NCAA amateurism certification process update.** The committee reviewed a summary of amateurism certification case decisions, including appeals heard by the committee, for the 2019-20 academic year.
5. **Involvement with NCAA enforcement staff.** The committee reviewed and amended its policy regarding NCAA student-athlete reinstatement staff involvement with 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.
6. **Application of withholding conditions for season-of-participation waivers – participation while eligible, hardship waivers and hardship waiver appeals.** The committee reviewed waivers in which the reinstatement staff or committee imposed withholding as a condition of reinstatement. The committee determined when a season-of-participation waiver – participation while eligible and hardship waivers are approved with a withholding condition, the institution must apply the withholding condition to the first regularly scheduled contest(s) or date(s) of competition during the student-athlete's next season of participation and pursuant to student-athlete reinstatement policies and procedures specific to competition used to fulfill withholding conditions.
7. **Review of pre-enrollment dollar-value withholding guidelines.** The committee reviewed violations of NCAA Division III Bylaw 12.1.1 (preferential treatment, benefits or services), Bylaw 13.2 (offers and inducements), Bylaw 13.5 (transportation), Bylaw 13.6 (official visit) and Bylaw 13.7 (unofficial visit) and updated the guidelines based on the value of the impermissible benefit, as follows:

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

8. **Withholding for reinstatement conditions that charge full seasons of participation.** 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 participation as a condition of reinstatement, the committee determined reinstatement staff may provide relief from withholding the prospective or enrolled student-athletes from more than one season of participation.
  
9. **Review of waiver guidelines specific to legal issues and allegations.** The committee reviewed the current guideline specific to legal issues and allegations 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 for waivers involving financial hardship or other hardship unrelated to injury or illness.** The committee amended its guideline to state that situations which gradually develop into extreme financial difficulties may satisfy the specific-event requirement of the legislation if: (1) The financial hardship is supported by objective documentation; (2) The extreme financial difficulties directly impacting the student-athlete's ability to participate during the academic year in question; and (3) The institution demonstrated a subsequent change in the student-athlete's financial circumstances that enabled the student-athlete to return to participation. Additionally, the committee provided guidance on documentation standards for waivers involving hardship unrelated to injury or illness and directed reinstatement staff to continue a case-by-case review.

11. **Document 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. **Practice or competition during final semester of enrollment while enrolled less than full time.** The committee reviewed scenarios where a student-athlete uses a final term exception to practice or compete while enrolled in less than a minimum full-time program of studies and fails to complete degree requirements during that term or is not eligible to receive a baccalaureate or graduate diploma on the institution's next degree-granting date. The committee determined review authority for restoration of the student-athlete's eligibility in these circumstances should be transferred from the NCAA Subcommittee for Legislative Relief to the committee on student-athlete reinstatement. The committee on student-athlete reinstatement directed reinstatement staff to review these requests on a case-by-case basis.
13. **Litigation update.** The committee received a litigation update from the vice president for NCAA law, policy and governance.
14. **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.
15. **Conflict of interest policy.** The committee reviewed the NCAA Conflict of Interest Policy.
16. **Governance update.** The committee received a governance update from the managing director for Division III.
17. **Flexible case review.** The committee reviewed recent reinstatement staff decisions that provided relief from established case precedent or committee guidelines. The committee determined all cases reviewed will remain available as precedent in the Request/Self-Reports Online case management system consistent with Divisions I, II and III Committees on Student-Athlete Reinstatement Policies and Procedures.
18. **Financial aid update.** The committee received an update regarding reinstatement cases involving financial aid violations processed by the reinstatement staff. The committee noted the NCAA Division III membership submitted no student-athlete reinstatement requests involving financial aid violations between April 16 and September 15, 2019.
19. **Calculating the value of an impermissible housing benefit.** The committee reviewed cases involving the receipt of impermissible housing benefits by prospective or enrolled

student-athletes. The committee amended its guideline to state that the value of an impermissible housing benefit shall be calculated as follows: (1) If an individual impermissibly stays on campus, the residence hall daily rate for the same room type at the specific residence hall; (2) If an individual impermissibly stays in short-term lodging (e.g., hotel, vacation rental, etc.), the daily rate for the same room/listing type at the specific property; or (3) If an individual impermissibly stays off campus at a private residence or comparable site, the actual rental value of the property shall serve as the basis for the valuation. If the actual rental value is not readily available, the estimated fair market rental value for the specific property may be used, provided the institution can objectively document it. If neither the actual or estimated rental value is available, the reinstatement staff should ask the institution why the valuation is not available and where the individual would have stayed but for the impermissible housing.

- 20. Previously approved waivers and reinstatement requests.** The committee approved a concept to permit institutions to approve specific waivers and student-athlete reinstatement requests without submitting a case in the RSRO case management system. The committee approved a list of previously approved requests for which this flexibility applies and noted institutions may approve waivers or reinstate student-athletes only if the circumstances of the particular case appear on the list and satisfy all established criteria. If the circumstances of a particular case do not appear on the previously approved request list or if the circumstances do not satisfy all established criteria, the institution must submit a waiver or student-athlete reinstatement request through RSRO. When an institution approves a waiver based on the previously approved request list, it must notify its conference office. When an institution reinstates a student-athlete's eligibility based on the previously approved request list, the institution must report the violation to the enforcement staff through RSRO and indicate that the institution reinstated the student-athlete pursuant to the previously approved request list.
- 21. Hardship waiver education document.** The committee approved a final draft of its educational document that outlines the hardship waiver process for institutional and conference administrators. Distribution of the document to the Division III membership will occur in January 2020.
- 22. NCAA Division III Committee on Student-Athlete Reinstatement Guidelines.** The committee reviewed and approved revisions to the its guidelines, including the elimination of all gender-specific language.

- 23. 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:* Angela Marin, University of Texas at Dallas.

*Staff Liaisons:* Stephanie Grace, Academic and Membership Affairs.  
Zach Romash, Academic and Membership Affairs.

<b>NCAA Division III Committee on Student-Athlete Reinstatement November 19-20, 2019, Meeting</b>	
<b>Attendees:</b>	
	Heather Benning, Midwest Conference.
	Matthew Burke, Fitchburg State University.
	Barbara MacLeod, Ohio Wesleyan University.
	Angela Marin, University of Texas at Dallas.
	Brian Williams, State University of New York at New Paltz.
<b>Absentees:</b>	
	Jake Santellano, University of Wisconsin-Whitewater.
<b>Guests in Attendance:</b>	
	None.
<b>NCAA Support Staff in Attendance:</b>	
	Stephanie Grace and Zach Romash.
<b>Other NCAA Staff Members in Attendance for a portion of the meeting:</b>	
	Scott Bearby, Jennifer Fraser, Jennifer Henderson, Louise McCleary and Jeff Myers.