



**DIVISION I NEWLY ADOPTED
HARDSHIP WAIVER
LEGISLATION
(PROPOSAL NO. 2021-17)**



SEPTEMBER 2022

Agenda



- Philosophical Shift.
- Hardship Waiver Criteria.
- The New Legislation.
- Case Studies.
- Track & Field.
- Track & Field Case Study.
- Resources.
- Questions.

Philosophical Shift



- Move away from addressing every nuance that arises with the previous schedule-based analysis.
- Define what a meaningful participation opportunity is within the parameters of competition that triggers use of a season of competition.
- Focus on competition in which all student-athletes in a given sport have access, regardless of scheduling decisions, conference affiliation or other factors.
- Standardize the 30% and first half of season requirements (except for combined indoor and outdoor track and field programs).

Hardship Waiver Criteria



- The base criteria has not changed:
 - Student-athlete triggered use of one of their four seasons of competition.
 - Injury or illness must have occurred prior to first competition of second half of the season.
 - Student-athlete cannot have participated in more than three contests or dates of competition (DOC) or 30% (whichever is greater).
 - Contemporaneous medical documentation from a treating physician that demonstrates incapacitation through remainder of season.

The New Legislation



- **Reminder:** The new legislation applies to injuries or illnesses occurring on or after August 1, 2022.
- Standard values for 30% and first half of season based on NCAA Bylaw 17 maximum plus one.
- Summarized in Figure 12-1.

The New Legislation



- Given the focus is on competition that triggers use of a season, legislated preseason exhibitions and preseason practice scrimmages that do not trigger use of a season are not used in the analysis.
- Annual exemptions, except for conference championship and other postseason competition, are also not used in the analysis.
- When counting on the schedule to identify the first date of competition in the second half of the season, only dates that trigger use of an institutional date of competition (i.e., meet minimum number of participants for sport sponsorship) are counted.

How to Apply the New Legislation



- Step 1: Get completed championship segment schedule.
- Step 2: Cross out preseason exhibitions/scrimmages and annual exemptions.
- Step 3: Using remaining contests/DOC from Step 2, highlight student-athlete's competition.
- Step 4: Compare student-athlete's competition count to the 30% value found in Figure 12-1.
- Step 5: Using remaining contests/DOC and Figure 12-1, identify first contest/date of competition in second half of season on schedule.
- Step 6: Determine if any of the student-athlete's competition fell in second half of season.

Note: This applies to all sports other than combined indoor and outdoor track and field

Case Study #1 – Gymnastics



- Carrie competed in four dates of competition prior to suffering a season-ending injury when she fell off the balance beam during practice on February 15, 2023.
- The four dates Carrie competed in were:
 - January 7, 2023.
 - January 21, 2023.
 - January 29, 2023.
 - February 12, 2023.
- Schedule only had 12 regular season dates of competition (Bylaw 17 maximum is 13).

Case Study #1 - Gymnastics



2022-23 Women's Gymnastics Example Schedule	
Date	Type of Competition
December 17, 2022	Regular Season
January 7, 2023	Regular Season
January 14, 2023	Regular Season
January 21, 2023	Regular Season
January 29, 2023	Regular Season
February 4, 2023	Regular Season
February 12, 2023	Regular Season
February 18, 2023	Regular Season
February 21, 2023	Regular Season
February 25, 2023	Regular Season
March 4, 2023	Regular Season
March 11, 2023	Regular Season
March 19, 2023	Conference Championship
March 31, 2023	NCAA Regional Second Round
April 2, 2023	NCAA Regional Final
April 14, 2023	NCAA Championship Semifinal
April 15, 2023	NCAA Championship Final

Step 1: Get completed schedule.

Step 2: Cross out preseason exhibitions/scrimmages and annual exemptions if any.

Step 3: Using remaining dates, highlight SA's competition.

Step 4: Figure 12-1 30% value = ??

Step 5: Figure 12-1 first date of second half = ??

Case Study #1 – Gymnastics



Figure 12-1 Hardship Waiver Criteria

Sport	Denominator	30% of Denominator	First Half of Playing Season
Acrobatics and Tumbling	13	4	Before the start of the 8 th date of competition
Baseball	57	18	Before the start of the 30 th contest
Golf	25	8	Before the start of the 14 th date of competition
Gymnastics	14	5	Before the start of the 8 th date of competition
Ice Hockey	35	11	Before the start of the 19 th contest

Case Study #1 - Gymnastics



2022-23 Women's Gymnastics Example Schedule

	Date	Type of Competition
1	December 17, 2022	Regular Season
2	January 7, 2023	Regular Season
3	January 14, 2023	Regular Season
4	January 21, 2023	Regular Season
5	January 29, 2023	Regular Season
6	February 4, 2023	Regular Season
7	February 12, 2023	Regular Season
8	February 18, 2023	Regular Season
	February 21, 2023	Regular Season
	February 25, 2023	Regular Season
	March 4, 2023	Regular Season
	March 11, 2023	Regular Season
	March 19, 2023	Conference Championship
	March 31, 2023	NCAA Regional Second Round
	April 2, 2023	NCAA Regional Final
	April 14, 2023	NCAA Championship Semifinal
	April 15, 2023	NCAA Championship Final

Step 1: Get completed schedule.

Step 2: Cross out preseason exhibitions/scrimmages and annual exemptions .

Step 3: Using remaining dates, highlight SA's competition.

Step 4: Figure 12-1 30% value = 5
Compare with SA's highlighted count of 4 = **Meets Limit.**

Step 5: Figure 12-1 first date of second half = **DOC #8**

Step 6: Did all of SA's competition occur in the first half?
YES = Meets Requirement.

Case Study #1 – Outcome



- Assuming appropriate contemporaneous medical documentation is provided, Carrie qualifies for the hardship waiver.
 - From a treating physician.
 - “Contemporaneous” = during season in question.
 - Demonstrates incapacitation through end of season.

Case Study #2 – Women’s Soccer



- Mia competed in eight contests, including one preseason scrimmage, prior to suffering a season-ending ACL injury during the October 3, 2022, contest.
- The eight contests Mia competed in were:
 - August 9, 2022 (preseason scrimmage).
 - August 19, 2022.
 - August 27, 2022.
 - September 2, 2022.
 - September 5, 2022.
 - September 23, 2022.
 - September 30, 2022.
 - October 3, 2022.

Case Study #2 – Women’s Soccer



2022-23 Women’s Soccer Example Schedule	
Date	Type of Competition
August 9, 2022	Preseason Scrimmage
August 14, 2022	Preseason Exhibition
August 19, 2022	Regular Season
August 21, 2022	Regular Season
August 27, 2022	Regular Season
August 29, 2022	Regular Season
September 2, 2022	Regular Season
September 5, 2022	Regular Season
September 12, 2022	Regular Season
September 16, 2022	Regular Season
September 23, 2022	Regular Season
September 26, 2022	Regular Season
September 30, 2022	Regular Season
October 3, 2022	Regular Season
October 7, 2022	Regular Season
October 10, 2022	Regular Season
October 14, 2022	Regular Season
October 17, 2022	Regular Season
October 21, 2022	Regular Season
October 28, 2022	Regular Season

Step 1: Get completed schedule.

Step 2: Cross out preseason exhibitions/scrimmages and annual exemptions:

August 9 and 14.

Step 3: Using remaining dates, highlight SA’s competition.

Step 4: Figure 12-1 30% value = ??

Step 5: Figure 12-1 first contest in second half = ??

Case Study #2 – Women’s Soccer



Figure 12-1 Hardship Waiver Criteria

Sport	Denominator	30 Percent of Denominator	First Half of Playing Season
Acrobatics and Tumbling	13	4	Before the start of the 8 th date of competition
Baseball	57	18	Before the start of the 30 th contest
Skiing			
Alpine	33	10	Before the start of the 18 th date of competition
Nordic	33	10	Before the start of the 18 th date of competition
Soccer	21	7	Before the start of the 12 th contest
Softball	57	18	Before the start of the 30 th contest

Case Study #2 – Women’s Soccer



2022-23 Women’s Soccer Example Schedule	
Date	Type of Competition
August 9, 2022	Preseason Scrimmage
August 14, 2022	Preseason Exhibition
1 August 19, 2022	Regular Season
2 August 21, 2022	Regular Season
3 August 27, 2022	Regular Season
4 August 29, 2022	Regular Season
5 September 2, 2022	Regular Season
6 September 5, 2022	Regular Season
7 September 12, 2022	Regular Season
8 September 16, 2022	Regular Season
9 September 23, 2022	Regular Season
10 September 26, 2022	Regular Season
11 September 30, 2022	Regular Season
12 October 3, 2022	Regular Season
October 7, 2022	Regular Season
October 10, 2022	Regular Season
October 14, 2022	Regular Season
October 17, 2022	Regular Season
October 21, 2022	Regular Season
October 28, 2022	Regular Season

Step 1: Get completed schedule.

Step 2: Cross out preseason exhibitions/scrimmages and annual exemptions
August 9 and 14.

Step 3: Using remaining dates, highlight SA’s competition.

Step 4: Figure 12-1 30% value = **7**
Compare with SA’s highlighted count of 7 = **Meets Limit.**

Step 5: Figure 12-1 first contest in second half = **Contest #12.**

Step 6: Did all of SA’s competition occur in the first half?
NO = Does Not Meet Limit.

Case Study #2 – Outcome



- Even with appropriate medical documentation, Mia does not qualify for a hardship waiver given her injury occurred in the second half of the season and she competed in the second half of the season.

Case Study #2 - Analysis



- In team sports with exhibitions and scrimmages the “midpoint” will appear closer to two-thirds of the way through the season. This may look and feel odd, but it is accurate under the new legislation.
- The focus is on regular season contests that trigger use of a season and is what all student-athletes have access to regardless of scheduling practices.
- All student-athletes in a given sport have the same number of regular season contests within the first half of the season.

Track & Field



- For institutions that only sponsor indoor or outdoor track and field (but not both) the denominator is the Bylaw 17 maximum plus one (i.e., 19), consistent with the method for other sports.
- Given combined indoor and outdoor track and field programs share a Bylaw 17 maximum there is an alternative method for these sports.

Figure 12-1 Hardship Waiver Criteria

Sport	Denominator	30 Percent of Denominator	First Half of Playing Season
Track and Field (Indoor/Outdoor)	Completed dates of competition	Will vary	Based on the institution's completed dates of competition
Track and Field (Indoor Only)	19	6	Before the start of the 11 th date of competition
Track and Field (Outdoor Only)	19	6	Before the start of the 11 th date of competition

Combined Track & Field



- The denominator used for finding 30% and the first date in the second half is calculated using the number of **completed** institutional dates of competition as the basis, including conference championship and other postseason competition.
- Each date where at least 14 SAs participated (minimum number of participants for sport sponsorship) counts as one date of competition for the institution.
- Multi-day events are counted the same way for hardship waivers as when declaring the playing and practice season.
 - Caveat – each date of a conference championship and other postseason competition is counted individually for hardship waiver purposes.

Combined Track & Field

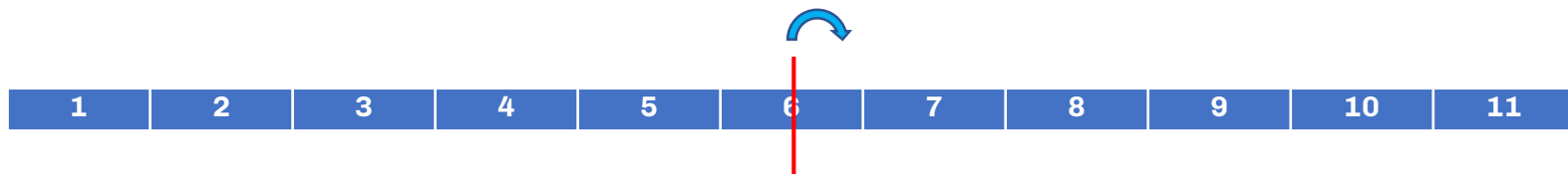


- Every date SA competed in must be included in the SA's participation count.
 - This includes dates that do not count toward institutional dates of competition.

Rounding Rule Update



- New legislation incorporates updated rounding rule for identifying first contest/DOC in second half of season.
- Gives the student-athlete the benefit by identifying the first contest of the second half as the contest immediately following the rounded value (the next “whole” contest).
- Example:
 - First contest in second half of an 11-contest season is contest 7.
 - $11/2 = 5.5$, rounded up is 6, first contest in second half is 7.



Case Study #3 – Track & Field



- State University sponsors indoor and outdoor track and field.
- State University declared each of the following regular season outdoor meets as one date of competition:
 - March 18-19, 2023.
 - March 24-25, 2023.
 - April 1-2, 2023.
- State University had at least 14 SAs participate in all dates through the NCAA East Preliminaries, except for April 8, 2023, and each date of the NCAA Championship.

Case Study #3 – Track & Field



2022-23 Men's Outdoor Track and Field Example Schedule		
Date	Type of Competition	
1 {	March 18, 2023	Regular Competition
	March 19, 2023	Regular Competition
2 {	March 24, 2023	Regular Competition
	March 25, 2023	Regular Competition
3 {	April 1, 2023	Regular Competition
	April 2, 2023	Regular Competition
	April 8, 2023	Regular Competition
4	April 15, 2023	Regular Competition
5	April 16, 2023	Regular Competition
6	April 22, 2023	Regular Competition
7	April 23, 2023	Regular Competition
8	April 29, 2023	Regular Competition
9	May 12, 2023	Conference Championship
10	May 13, 2023	Conference Championship
11	May 14, 2023	Conference Championship
12	May 25, 2023	NCAA East Preliminaries
13	May 26, 2023	NCAA East Preliminaries
14	May 27, 2023	NCAA East Preliminaries
15	May 28, 2023	NCAA East Preliminaries
	June 8, 2023	NCAA Outdoor Championship
	June 9, 2023	NCAA Outdoor Championship
	June 10, 2023	NCAA Outdoor Championship
	June 11, 2023	NCAA Outdoor Championship

Step 1: Get completed schedule.

Step 2: Cross out dates where less than 14 SAs competed.

Step 3: Identify how multi-day events were counted.

Step 4: Count completed dates to identify denominator.

Denominator = 15

Case Study #3 – Track & Field



2022-23 Men's Outdoor Track and Field Example Schedule

	Date	Type of Competition
1	March 18, 2023	Regular Competition
	March 19, 2023	Regular Competition
2	March 24, 2023	Regular Competition
	March 25, 2023	Regular Competition
3	April 1, 2023	Regular Competition
	April 2, 2023	Regular Competition
	April 8, 2023	Regular Competition
4	April 15, 2023	Regular Competition
5	April 16, 2023	Regular Competition
6	April 22, 2023	Regular Competition
7	April 23, 2023	Regular Competition
8	April 29, 2023	Regular Competition
9	May 12, 2023	Conference Championship
10	May 13, 2023	Conference Championship
11	May 14, 2023	Conference Championship
12	May 25, 2023	NCAA East Preliminaries
13	May 26, 2023	NCAA East Preliminaries
14	May 27, 2023	NCAA East Preliminaries
15	May 28, 2023	NCAA East Preliminaries
	June 8, 2023	NCAA Outdoor Championship
	June 9, 2023	NCAA Outdoor Championship
	June 10, 2023	NCAA Outdoor Championship
	June 11, 2023	NCAA Outdoor Championship

Denominator = 15

Step 5: Calculate to identify first date in second half of season.

$$15 / 2 = 7.5$$

Rounds up to 8.

First date in second half = DOC #9.

Step 6: Calculate 30%.

$$15 \times 0.3 = 4.5$$

Rounds up to 5.

30% = 5 dates of competition.

Case Study #3 – Track & Field



- Carl competed in the following dates of competition:
 - March 18, 2023.
 - March 19, 2023.
 - April 8, 2023.
- Carl suffered a season-ending hamstring tear during the April 8, 2023, competition.

Case Study #3 – Track & Field



2022-23 Men's Outdoor Track and Field Example Schedule		
Date	Type of Competition	
1	March 18, 2023	Regular Competition
	March 19, 2023	Regular Competition
2	March 24, 2023	Regular Competition
	March 25, 2023	Regular Competition
3	April 1, 2023	Regular Competition
	April 2, 2023	Regular Competition
	April 8, 2023	Regular Competition
4	April 15, 2023	Regular Competition
5	April 16, 2023	Regular Competition
6	April 22, 2023	Regular Competition
7	April 23, 2023	Regular Competition
8	April 29, 2023	Regular Competition
9	May 12, 2023	Conference Championship
10	May 13, 2023	Conference Championship
11	May 14, 2023	Conference Championship
12	May 25, 2023	NCAA East Preliminaries
13	May 26, 2023	NCAA East Preliminaries
14	May 27, 2023	NCAA East Preliminaries
15	May 28, 2023	NCAA East Preliminaries
	June 8, 2023	NCAA Outdoor Championship
	June 9, 2023	NCAA Outdoor Championship
	June 10, 2023	NCAA Outdoor Championship
	June 11, 2023	NCAA Outdoor Championship

Denominator = 15
 First date in second half = DOC #9.
 30% = 5 dates of competition.

Step 7: Highlight SA's competition.

SA competed in one multi-day event that counts as one DOC and one other DOC.

SA's Participation Count = 2

30% = Meets limit.
 First Half = Meets limit.

Case Study #3 – Outcome



- Assuming appropriate contemporaneous medical documentation is provided, Carl qualifies for the hardship waiver.

Resources



- July 15, 2022, Educational Column.
 - NCAA Division I Proposal No. 2021-17 – Hardship Waiver Criteria.
 - Addresses many unique nuances.
- Figure 12-1 in NCAA Division I Manual.
- May 17, 2018, Educational Column.
 - Addresses previous legislation still in effect for injuries or illnesses that occurred prior to August 1, 2022.
- Recording of this presentation will be posted to:
 - NCAA Learning Portal found within NCAA MyApps on NCAA.org.
 - Student-Athlete Reinstatement webpage on NCAA.org.

Questions

