



NCAA DIVISIONS I, II AND III COMMITTEES ON STUDENT-ATHLETE REINSTATEMENT

POLICIES AND PROCEDURES (Updated December 2018)

Student-Athlete Reinstatement Philosophy

The NCAA Divisions I, II and III Committees on Student-Athlete Reinstatement subscribe to the students-first philosophy, ensuring the individual student-athlete as well as the general student-athlete body is at the forefront of each decision. With respect to a violation, the committees and NCAA student-athlete reinstatement staff attempt to place the student-athlete back in the position he or she would have been prior to the violation occurring while maintaining the integrity of the Association's values. Overall, the committees and reinstatement staff conduct their work by evaluating the totality of the circumstances surrounding each case and reaching an outcome that considers the well-being of the involved student-athlete while maintaining fairness.

PROCEDURES

(Including Reinstatement Requests, Waivers and Extension Requests)

The student-athlete reinstatement process provides for the evaluation of institutional self-reports submitted on behalf of student-athletes and/or prospective student-athletes, who have been involved in a violation of NCAA regulations that affect their eligibility, in order to assess the student-athlete's or prospective student-athlete's responsibility and to determine appropriate conditions for reinstatement of eligibility. This process also provides for a review of institutional requests for various waivers for which the Committees on Student-Athlete Reinstatement have the authority to act. Decisions for both reinstatement requests and other waiver requests are based on national standards established by the NCAA membership, the NCAA Division I Legislative Committee, NCAA Divisions II and III Management Councils and the Committees on Student-Athlete Reinstatement and are applied by the student-athlete reinstatement staff.

Initial Reinstatement Staff Decision – Reinstatement Requests

1. When a member institution determines that a prospective or enrolled student-athlete has been involved in a violation of NCAA rules, it is obligated under Division I Bylaw 12.11.1; Division II Bylaw 14.11.1; and Division III Bylaw 14.9.1 to declare the individual ineligible and withhold the student-athlete from all intercollegiate competition. The Committees on Student-Athlete Reinstatement process reinstatement requests for violations of Bylaw 10 (ethical conduct); Bylaw 12 (Division I amateurism and athletics eligibility/Division II and III amateurism); Bylaw 13 (recruiting); Bylaw 14 (Division I eligibility: academic and general requirements/Division II and III eligibility); Bylaw 15 (financial aid); Bylaw 16 (extra benefits); Bylaw 17 (Division I outside competition); and Bylaw 18 (drug testing). If necessary, an institution should contact the NCAA academic and membership affairs staff to obtain an interpretation concerning the appropriate application of the legislation.

2. If an individual is ineligible under NCAA legislation and the institution believes the circumstances warrant requesting reinstatement of eligibility, it may submit a request for reinstatement through the NCAA Requests/Self-Reports Online Case Management System. All student-athletes and some prospective student-athletes shall be required to complete a case-specific signed Buckley Statement when an institution requests reinstatement. This signed Buckley Statement is in addition to the standard Buckley Statement all student-athletes sign during the campus athletics orientation meeting and is located within RSRO. Any exception to this policy must be approved by the student-athlete reinstatement lead administrator. If the institution requires an urgent decision (e.g., because of pending competition within the next 10-calendar days), it should be noted in the request. Only written materials will be reviewed by the reinstatement staff and committee. Photographs, X-rays, media reports, etc. will not be considered.
3. The institution is responsible for developing complete, accurate and thorough information prior to submitting a reinstatement request. Further, in situations involving multiple student-athletes who are part of an ongoing case where the core violation is the same, an institution shall make every effort to process all reinstatement cases at the same time to provide the reinstatement staff and committee with a complete understanding of the totality of the circumstances.
4. After a request for reinstatement is submitted through RSRO, it is assigned to a reinstatement staff member who reviews the request and may require additional information prior to reaching a decision. Any additional information will be requested through RSRO. An institution is required to either upload the additional information into RSRO or fax the additional information to the reinstatement staff if unable to upload. Information that is marked as "to be faxed" in RSRO will render the reinstatement request incomplete until all faxes have been received and uploaded. Faxing information will result in a delay in case processing. Faxes must be sent individually with question-specific cover sheets attached. While the reinstatement staff may gather additional information relevant to the reinstatement request, its primary purpose is not to act as a fact-finding body, but rather to ensure that the facts are developed. It is the institution's responsibility to gather the facts necessary to process a reinstatement request.
5. Reinstatement requests will be prioritized based on the next date of competition, the order in which the case was received and the timing of when the violation was discovered. After necessary information is received and a case is complete, the reinstatement staff generally requires 48 hours to complete a thorough review of the information presented before rendering a decision. Thus, if a case file is not complete until less than 48 hours prior to competition, the reinstatement staff may not be able to render a decision prior to the contest. All requests should be submitted to the reinstatement staff in a timely fashion once the violation is discovered to ensure a complete review can be conducted prior to the next competition.

- a. Involvement with NCAA enforcement staff. There may be instances where reinstatement cases are connected with NCAA enforcement-related matters. In such cases, the reinstatement staff reserves the right, when appropriate, to work with the enforcement staff which may include the sharing of information. If the enforcement staff determines that the report appears incomplete, the reinstatement and enforcement staffs may follow up with the institution specific to the concerns related to the facts. If the institution agrees that the reinstatement request needs to be developed, the enforcement and/or reinstatement staffs will assist with the development of the issues. However, if the institution determines that the reinstatement request is complete, then the reinstatement staff will make a decision based on the institution's report. If the reinstatement staff's concerns are later substantiated, then the institution could be subject to the enforcement process and the reinstatement decision could be voided.

- b. Involvement with the NCAA Eligibility Center amateurism certification process. The Divisions I and II Committees on Student-Athlete Reinstatement will create and update guidelines for amateurism certification decisions to be issued by the student-athlete reinstatement staff.
 - (1) Upon a prospective student-athlete's receipt of "Final - Not Certified" decision from the NCAA Eligibility Center, the applicant institution may request reinstatement through RSRO. The reinstatement staff will determine appropriate certification decisions, including applicable conditions.
 - (2) The reinstatement staff will use the amateurism certification review summary agreed upon by the amateurism certification staff, the involved prospective student-athlete and the involved institution. If the appropriate parties have not agreed, the reinstatement staff will rely on the facts as rendered by the NCAA Divisions I and II Amateurism Fact-Finding Committees. If additional information is needed, the reinstatement and amateurism certification staffs will work jointly to gather additional information.

As with any request, the reinstatement staff may not render a decision if any facts and/or violations are in dispute.
 - (3) The reinstatement staff will then notify the applicant institution and the amateurism certification staff of the amateurism certification decision, including any conditions, to complete the prospective student-athlete's certification.

- (4) All communication with an institution regarding an amateurism certification decision including, but not limited to, the application of an amateurism certification condition will be limited to the reinstatement staff and institution.
6. If a reinstatement request involves issues, arguments or mitigation regarding an education-impacting disability (e.g., impairments such as mental health disorders, eating disorders, learning disability, attention deficit hyperactivity disorder, medical conditions and deaf/hard of hearing), the information may be shared with an expert in that field. The expert will review the documentation and provide an analysis, which will be included as part of the reinstatement request and considered by the reinstatement staff and committee when reviewing the request.
7. If a reinstatement request contains information or allegations against another member institution or institutional employee, in order for the allegations to be considered within the reinstatement request, the institution or employee against whom the allegations are made must be provided a copy of all relevant documentation and given 10 business days to respond to the allegations. If a response is received from the institution or employee against whom allegations are made, it will be included as part of the reinstatement request. If no response is received, the reinstatement request will be processed and the allegations may be considered by the reinstatement staff and committee. The institution submitting the reinstatement request should work with the reinstatement staff to ensure all relevant information is provided to the institution or employee against whom the allegations are made and to ensure that the 10-business day response period is explained.
8. After the reinstatement staff has reviewed the institution's request, all interpretive issues have been resolved and research has been completed, the reinstatement staff may approve a reinstatement request; approve a reinstatement request with condition(s); or deny a reinstatement request.
9. The institution will be notified of the reinstatement decision through RSRO. The institution has 30-calendar days to accept the decision in RSRO. If the decision is accepted, the institution waives its right to appeal the decision. The divisional committee shall be apprised in writing of all reinstatement staff decisions that deviate from case precedent within its division regardless of whether the decision is appealed to the divisional committee.
10. The institution may request a reconsideration of a final decision only if new information is presented which was not reasonably available at the time of the original decision. Reconsideration can be requested through RSRO under the withdraw/appeal/reconsideration tab within 30 calendar days from the time the decision is populated and released. An explanation must be submitted to clarify the reasons the new information was not originally available. Any additional or repetitive information that was

originally available to the student-athlete, an institution, a conference or NCAA (sub)committee may not be submitted for reconsideration. The reinstatement lead administrator shall determine if the new information standard is met for all reconsideration submissions. If the reconsideration standard is met, the reinstatement staff will review the information submitted and render a reconsidered staff decision based on all of the facts including the new information submitted.

Initial Reinstatement Staff Decision – Other Waivers/Extension Requests

1. The Committees on Student-Athlete Reinstatement have the authority to process five types of waivers: Division I Bylaw 12.8.1 and Divisions II and III Bylaw 14.2.2 (five-year/10-semester waiver); Division I Bylaw 12.8.1.4 (athletics activity waiver); Division I Bylaw 12.8.4 and Divisions II and III Bylaw 14.2.5 (hardship waiver) (independent institutions or appeal of conference office decisions, which in Division I only must be submitted by the conference office); Division I Bylaw 12.8.5 and Divisions II and III Bylaw 14.2.6 [season-of-competition (participation) waiver – competition (participation) while ineligible]; Division I Bylaw 12.8.6 and Divisions II and III Bylaw 14.2.7 [season-of-competition (participation) waiver – competition (participation) while eligible].

The institution will need to submit a request for a waiver through RSRO. All student-athletes or prospective student-athletes are required to complete a signed case-specific Buckley Statement when an institution requests a waiver from the reinstatement staff. This signed Buckley Statement is in addition to the standard Buckley Statement all student-athletes sign during the campus athletics orientation meetings and is located within RSRO. Any exception to this policy must be granted by the reinstatement lead administrator. If the institution requires an urgent decision (e.g., because of pending competition within the next 10-calendar days), it should be noted in the request. Only written materials will be reviewed by the reinstatement staff and committee. Photographs, X-rays, media reports, etc. will not be considered.

2. After an institution submits its request through RSRO, it is assigned to a reinstatement staff member for review. The reinstatement staff may request that the institution gather and submit additional information in an effort to meet the standards established by NCAA legislation. Any additional information will be requested through RSRO and an institution is required to either upload the additional information into RSRO or fax the additional information if unable to upload. Information that is marked as "to be faxed" in RSRO will render the reinstatement request incomplete until all faxes have been received and uploaded. Faxing information will result in a delay in case processing. Faxes must be sent individually with question-specific cover sheets attached. Once all materials relevant to the institution's request have been submitted, the reinstatement staff will make a decision on behalf of the divisional committee.

3. If a waiver request involves issues, arguments or mitigation regarding education-impacting disabilities (e.g., impairments such as mental health disorders, eating disorders, learning disability, attention deficit hyperactivity disorder, medical conditions and deaf/hard of hearing), the case information may be shared with an expert in that field. The expert will review the information and provide an analysis which will be included as part of the waiver request and considered by the reinstatement staff and committee when reviewing the case.
4. If a waiver request contains information or allegations against another member institution or institutional employee, in order for the allegations to be considered within the waiver request, the institution or employee against whom the allegations are made must be provided a copy of all relevant documentation and given 10 business days to respond to the allegations. If a response is received from the institution or employee against whom allegations were made, it will be included as part of the waiver request. If no response is received, the waiver request will be processed and the allegations may be considered by the reinstatement staff and committee. The institution submitting the waiver request should work with the reinstatement staff to ensure all relevant information is provided to the institution or employee against whom the allegations are made and to ensure that the 10-day response period is explained.
5. For a waiver to be processed prior to competition, the waiver request must be received through RSRO 30 calendar days prior to the date of competition. Further, complete information regarding the waiver must be received by reinstatement staff seven calendar days prior to the first contest.
6. The institution may request a reconsideration of a final decision only if new information is presented which was not reasonably available at the time of the original decision. Reconsideration can be requested via the withdraw/appeal/reconsideration tab within 30 calendar days from the time the decision is populated and released. An explanation must be submitted to clarify the reasons the new information was not originally available. Any additional or repetitive information that was originally available to the student-athlete, an institution, a conference or NCAA (sub)committee may not be submitted for reconsideration. The reinstatement lead administrator shall determine if the new information standard is met for all reconsideration submissions. If the reconsideration standard is met, the reinstatement staff will review the information submitted and render a reconsidered staff decision based on all the facts including the new information submitted.

Appealing Reinstatement Staff Decisions to the Divisions I, II and III Committees on Student-Athlete Reinstatement

1. The institution will be notified of the reinstatement decision through RSRO. The institution then may appeal this decision to the committee for the division in which the institution holds membership, in the sport, where the violation occurred or waiver is requested; or in the case of a transfer student-athlete, to the appropriate committee as

described above. The divisional committee's consideration of an appeal is the committee's first review of the institution's request and its decision is final, binding and shall not be subject to further review by any other authority.

The institution has 30 calendar days from the time the decision is populated and released to appeal a decision. After 30 calendar days, the case is automatically closed. Exceptions to this policy may be granted by the divisional committee chair when an institution is able to demonstrate, in writing, that exceptional circumstances caused the institution's appeal to be submitted beyond the 30-day appeal period. In cases involving the NCAA Eligibility Center, exceptions to the 30 day period may be granted by the reinstatement lead administrator.

Appeals can be requested through RSRO under the withdraw/appeal/reconsideration tab. In its request for an appeal, the institution is required to provide a rationale statement within the RSRO appeal text box noting why the reinstatement staff's decision should be modified or overturned by the committee. The institution is also required to provide a letter in support of the appeal from an individual who has primary responsibilities outside of athletics and has authority to sign off on an initial request through RSRO (e.g., chancellor or president, faculty athletics representative). The committee requires a minimum of 48 hours to review documentation prior to a teleconference appeal or prior to rendering a decision for an appeal via paper review. Exceptions to this policy can be made if the reinstatement lead administrator and the committee chair determine that the urgency of the case warrants immediate consideration and the committee is able to thoroughly review the documentation prior to the teleconference, or in the case of a paper review, prior to issuing a decision.

The committees have one or two scheduled appeal times each week. Appeals will be scheduled during these times unless pending competition or a student-athlete's class schedule warrants review during another time. Appeals will be scheduled based on date of receipt of appeal and pending competition.

2. For all appeals handled by the committees, all factual and interpretive disputes must be resolved prior to the divisional committee reviewing the matter. Prior to consideration of the matter, the reinstatement staff will make available to the members of the divisional committee the institution's request and the information on which the reinstatement staff based its decision. The institution will receive a copy of the same information. The reinstatement staff shall include applicable case precedent in the appeal materials.
3. There are two different types of appeals processed by the committees.
 - a. Reinstatement of eligibility appeals - violations. Appeals of reinstatement decisions are generally heard via teleconference with the division-specific committee. If the appeal is to be conducted via teleconference, the reinstatement

staff will schedule a teleconference with the appropriate divisional committee and will advise the institution of the date and time of the teleconference. However, if both the reinstatement staff and the institution agree that an appeal may be heard via paper review, an appeal of a reinstatement decision may be conducted based on a review of the written record. If any member of the committee determines that a teleconference is essential in order to make a decision, that member may contact the chair with the request and a teleconference shall be conducted.

- Review of a violation appeal by the appropriate divisional committee via paper review will generally take seven business days.
- b. Waivers and extension request appeals. Waivers and extension requests are reviewed on appeal via the written record. The institution's appeal should include all materials the institution wishes to be considered by the divisional committee during its review. Information submitted subsequent to this request for appeal shall not be considered by the committee in its review of the matter, unless the information is newly available to both the student-athlete and the institution or newly existent to both the student-athlete and the institution. In limited circumstances, an institution may request the committee to conduct the appeal through a teleconference. If a teleconference is requested by the institution, it must present sufficient rationale that a teleconference is essential for the committee to reach a decision in the case. After reviewing the entire case file, the chair of the divisional committee shall have the authority to determine whether a teleconference is warranted. In addition, on receipt of the case materials, if any member of the divisional committee determines that a teleconference is essential in order to make a decision, that member may contact the chair with the request and a teleconference shall be conducted.
- Review of a waiver appeal by the appropriate divisional committee via paper review will generally take three weeks.
4. The divisional committee shall determine, by a majority, whether to uphold or modify the reinstatement staff's decision. Each member shall contact the chair with his or her vote and the chair will determine whether the majority requirement has been met. The chair of the divisional committee shall communicate this decision to the reinstatement lead administrator. A member of the reinstatement staff shall then contact the institution with the committee's decision.
5. All committee materials as well as the appeal proceedings are confidential. Institutional representatives and other participants on the teleconference shall maintain the confidentiality of the information discussed as well as the identity of the participants.

6. For all appeals conducted by teleconference, at least one of the following institutional representatives must participate: chancellor or president (or individual designated by the chancellor or president); faculty athletics representative; senior woman administrator; director of athletics; or compliance officer. In addition, the institution's legal counsel and the prospective student-athlete's or student-athlete's legal counsel may participate.

Coaches and sport-specific noncoaching personnel (e.g., director of basketball operations) are prohibited from participation on a teleconference appeal unless the individual also serves in a previously mentioned capacity at the institution.

The involved prospective student-athlete or student-athlete is required to participate in the teleconference. The teleconference will not proceed if the involved prospective student-athlete or student-athlete is unable to participate. The reinstatement lead administrator or the student-athlete reinstatement representative(s) who handled the case will also participate on the teleconference. Further, any members of the enforcement staff or the NCAA Eligibility Center staff involved in the case may participate on the teleconference, as necessary. If the institution desires any other institutional representative(s) to participate on the teleconference, the chair shall have the authority to determine if that person(s) may participate. The chair also has the authority to require additional institutional representative(s) to participate on the teleconference.

- a. Once all parties participating in the teleconference appeal have been introduced, the reinstatement staff has 10 minutes to describe the facts of the appeal, the applicable precedent and the rationale for the reinstatement staff's decision. The institution has 10 minutes and the involved prospective student-athlete or student-athlete has 10 minutes to describe the case and explain the reasons for requesting that the reinstatement staff's decision be overturned or modified. Only committee members may ask questions of the participants. Once all questions have been answered, the teleconference will conclude with the reinstatement staff, institution and student-athlete each providing a closing statement not to exceed five minutes. The type of case precedent appropriate for consideration on reinstatement appeal teleconferences are cases searchable on RSRO. If an institution introduces new information related to an unpublished or archived case not available within the appeal packet (e.g., a newspaper article or other media report), the committee chair has the authority to stop the teleconference so that the committee may review the unpublished or archived case associated with the media report, if available, or the committee may review the same after the conclusion of the teleconference to determine its relevance. The unpublished or archived case may be viewed as supporting documentation only and is not binding on the committee or reinstatement staff.

- b. The divisional committee has the authority not to render a decision if it has questions or needs additional information it believes the institution or reinstatement staff reasonably can and should provide prior to a decision by the committee.
 - c. The divisional committee may affirm or modify the reinstatement staff's decision. The committee's decision is the final decision.
 - d. When the teleconference appeal has concluded, the institutional representatives, the involved prospective student-athlete or student-athlete, legal counsel and the reinstatement staff shall leave the teleconference. It is the responsibility of the reinstatement lead administrator to ensure that the recording is terminated at that time and all parties, except the committee, leave the teleconference prior to the committee's deliberations. The divisional committee members shall deliberate in private and reach a decision by majority vote. The chair then shall notify the reinstatement lead administrator with the committee's conclusion and the lead administrator or reinstatement representative primarily responsible for processing the case shall notify the institution of the result. The decision by the divisional committee is considered final with no other appeal opportunity. Written confirmation of the decision shall be provided by the reinstatement staff.
7. Divisions I and II institutions may appeal an amateurism certification decision as part of the amateurism certification process. All applicable requirements for an appeal previously noted are in effect as well as the following:
 - a. The institution's appeal request will include all relevant documentation provided from the amateurism certification staff as well as any mitigation provided to either the amateurism certification staff or reinstatement staff. Information submitted subsequent to the request for appeal shall not be considered in review of the matter. If information becomes newly available or newly existent to both the prospective student-athlete and institution, the institution should notify the amateurism certification staff immediately.
 - b. The reinstatement staff will notify the amateurism certification staff of the committee's decision and the reinstatement staff will provide the committee's rationale to the institution.
8. Reinstatement decisions issued by the committees and the reinstatement staff are based on the record put forward by the institution. If further information becomes available at a later date (e.g., through an enforcement investigation) and the facts of the original decision change, the original reinstatement decision becomes moot and the case will be reopened with a decision rendered on the new facts.

9. **Authority of the chair.** Each divisional committee has a chair that is selected by its committee and subject to approval by the Division I Legislative Council or the Divisions II and III Management Councils. Among other things, the divisional committee chair may terminate a teleconference appeal at any time if the information is repetitive in nature; substantive new information is introduced; the institution does not believe the facts constitute a violation of NCAA rules; or the parties do not stipulate to the facts of the case. Individuals who wish to participate in a teleconference appeal but are not among the designated participants (institutional representatives, the prospective or enrolled student-athlete and legal counsel) may do so on request and approval from the divisional committee chair.
10. **Confidentiality.** The vice president for NCAA academic and membership affairs, the reinstatement lead administrator and NCAA public and media relations staff may confirm whether an eligibility reinstatement request has been submitted; whether a decision has been reached; and what the decision is in a particular case. The reinstatement staff's release of information shall always comport with federal law (i.e., Federal Educational Rights and Privacy Act). Representatives of the NCAA national office have the discretion to prepare a press release on behalf of the NCAA when appropriate.
11. **Ex Parte communications.** Members of the committees shall not discuss a pending request or a pending appeal with the reinstatement staff, institutional representatives, the prospective or enrolled student-athlete, or his or her legal counsel without all parties having the opportunity to participate. Prior to or after an appeal teleconference, all communication regarding a reinstatement case should be directed to the reinstatement staff. Institutions or other interested parties shall not have contact with committee members. Such contact may jeopardize the integrity of a process and decision.

The reinstatement staff may contact divisional committee members to arrange a teleconference or a paper review of an institution's appeal. When an institution requests reconsideration of a divisional committee's decision, the reinstatement staff may contact the chair of the divisional committee to provide the new information submitted by the institution, along with the reinstatement staff's evaluation of the new information. The reinstatement staff may also contact the chairs of the divisional committees regarding procedural matters relevant to processing an institution's appeal. Further, the divisional committee chairs may contact the reinstatement staff to request additional information to be obtained about the case. **All ex parte communication between applicant representatives and committee members specific to a pending reinstatement request is prohibited.**

12. **Flow of information.** All materials relevant to the consideration of a reinstatement request, waiver or extension request or an appeal to the committees shall be submitted to the reinstatement staff through the institution by institutional officials using RSRO. The involved student-athlete or prospective student-athlete, as well as his or her legal counsel,

shall work with and through the institution in preparing and submitting its request or appeal. Information submitted directly to the reinstatement staff shall be sent to the institution for it to determine whether the information should be included in its request or appeal. It is the responsibility of the institution to advise the prospective student-athlete or student-athlete of the reinstatement process, which includes explaining the decision of the reinstatement staff and/or committee.

- 13. Materials for appeal.** All materials provided to the committees as part of an appeal are confidential and will be used only for the purpose of the appeal. At the conclusion of an appeal, each committee member will discard all materials for the appeal and the complete file of the case will be maintained at the national office.
- 14. Publication of decisions.** All actions on behalf of or by the committees shall be reported to the membership via RSRO on a regular basis in a manner that does not identify the names of the institutions or the student-athletes.
- 15. Quorum.** A quorum for committee review of appeals shall be three members. If the designated divisional committee chair cannot participate in the review, he or she will appoint a presiding chair who is from the same divisional committee. If it is not possible to have the entire divisional committee hear or review the appeal and it is necessary to do so without delay, the proceeding or review may take place with less than a full committee as long as the quorum requirements are met.
- 16. Recording.** Each teleconference appeal shall be recorded; however, the committee's deliberations, subsequent to the teleconference, shall not be recorded. Copies of the recordings shall be maintained by the reinstatement lead administrator for a seven year period. The chairs of the divisional committees who hear the appeal have the authority to instruct the reinstatement lead administrator to forward a copy of the recording or a transcript of the proceedings to any other NCAA committee that has a legitimate purpose for requesting access to the proceedings.
- 17. Recusal.** A committee member or reinstatement staff member shall recuse himself or herself from participating in proceedings (e.g., representing his or her institution or deliberating as a committee member) connected with a reinstatement case when he or she is directly connected with the involved institution including, but not limited to, a member of the committee member's institution or institution's conference. A committee or reinstatement staff member with a personal relationship or institutional affiliation that reasonably would result in the appearance of bias or prejudice should refrain from participating in any manner in the processing of an appeal. It is the responsibility of the committee or reinstatement staff member to remove himself or herself if a conflict exists. Institutional objections to a committee or reinstatement staff member participating in a review of a case should be raised with and resolved by the chair or the most senior member of the committee as soon as recognized but will not be considered unless the concern is

raised prior to the scheduled appeal. Exceptions to the recusal policy may be granted by the chair or most senior member of the committee due to time constraints.

18. **Revision of procedures.** The committee has the authority to revise the procedures governing reinstatement requests and all waiver requests as well as the applicable appeal procedures for each, at any time, subject to review by the Division I Legislative Council and Divisions II and III Management Councils.
19. **Voting.** For the committees to take action, a majority vote is required of those members who have agreed to hear or review the appeal. In the event of a tie vote, the initial decision of the reinstatement staff shall be considered to have been upheld and the institution's appeal shall be denied. Vote tallies of decisions are confidential and will not be provided to the reinstatement staff, media or the involved institution.

POLICIES

1. **Reinstatement decision.** A student-athlete's reinstatement decision, including any withholding, repayment, community service/service learning, or other condition(s), is codified in the RSRO case decision specific to the reinstatement case for that student-athlete.
2. **Application of withholding condition. Competition used to fulfill withholding conditions.**
 - a. For decisions that involve withholding from competition as a condition, the student-athlete must fulfill the reinstatement condition when he or she is otherwise eligible, and during one of his or her four seasons of competition. Further, a student-athlete must fulfill a reinstatement condition when he or she is medically cleared to compete by the institution.
 - b. The student-athlete may sit on the team bench while fulfilling a withholding condition but may not wear the team uniform as the student-athlete is otherwise ineligible for competition.
 - c. The withholding must be applied to the next regularly scheduled contest. If the next contest in the institution's schedule is part of the NCAA championship or other postseason competition, then the student-athlete must be withheld from those contests.
 - d. Scrimmage, exhibition or nonchampionship contests may not be used to fulfill a reinstatement condition unless specifically indicated by the student-athlete reinstatement staff.

- e. If the next contest involves an exhibition contest, nonchampionship contest or any other contest that may not be used to fulfill a reinstatement condition, and once the reinstatement staff has conducted a cursory review to determine that permanent ineligibility or a complete season penalty is not warranted, the reinstatement staff may provide partial reinstatement to the student-athlete for the exhibition, nonchampionship or other contest that may not be used to fulfill a reinstatement condition prior to completion of processing the reinstatement request and reaching a final determination, if withholding is appropriate.
- f. If a withholding condition will be fulfilled during a team's away-from-home trip that includes multiple contests/dates of competition, the reinstatement staff may permit an institution to allow the student-athlete to travel and receive expenses, provided the ineligible student-athlete will become eligible and have the opportunity to compete prior to the conclusion of the trip.

The competitions used to fulfill a reinstatement condition must be applied as follows:

- (1) Team sports – the contests must be among those considered for team selection to the NCAA championship;
 - (1) Individual sports with separate team championship – the dates of competition must be among those considered for team selection to the NCAA championship;
 - (2) Individual sports without a separate team championship – the date of competition must be among those used to qualify for the NCAA championship; and
 - (3) Sports without an NCAA championship – the date must be regularly scheduled.
- 3. Stay a decision policy.** The reinstatement lead administrator and the vice president for academic and membership affairs have the authority to stay a decision if the following conditions are met: (1) The institution and student-athlete first become aware of the violation within 48 hours of the competition; and (2) Case precedent is unclear whether withholding from competition as a condition for reinstatement is warranted. If the reinstatement staff does grant a stay, the student-athlete will be eligible for competition until the committee's first available opportunity for an appeal teleconference.
- 4. Suspension policy.** The reinstatement lead administrator, in consultation with the division-specific chair and other committee members at the chair's discretion, has the ability to suspend a reinstatement condition in very limited circumstances only if the next

contest is the NCAA championship, a bowl game, the NIT or a national collegiate championship. The general practice is that student-athletes are withheld from the next contest(s) even if the next contest(s) is part of the NCAA championship, a bowl game, the NIT or a national collegiate championship and that policy remains in place. Suspension of a withholding condition is to be used in very limited circumstances where the culpability of the involved student-athlete is minimal and withholding from an NCAA championship, a bowl game, the NIT or a national collegiate championship does not seem appropriate. Further, the suspension can only be used if the student-athlete has eligibility remaining the following academic year.

In addition, the student-athlete reinstatement committees determine that the request to suspend a reinstatement condition may only be submitted in conjunction with an appeal, if requested, or upon receipt of a final reinstatement staff decision if no appeal is requested.

5. Rounding.

- In cases where the withholding condition is either a percentage or "one-for-X-based" which result in a fraction, withholding conditions of .5 and above should be rounded up, whereas withholding conditions of .4 and below should be rounded down.

6. Repayment and community service/service learning.

- a. Repayment of an impermissible benefit may be made to the institution (if it is the source of an impermissible financial aid benefit) or a charity of the student-athlete's choice. If repayment is made to a charity of the student-athlete's choice, the entity must be an Internal Revenue Code Section 501(c)(3) tax-exempt organization. Further, if the student-athlete is donating to a charitable athletics entity, the donation must be made to an entity from which he or she will not directly benefit as well as an entity that the student-athlete has not had any direct involvement (e.g., former athletics team). In addition, repayment must be made by the student-athlete or his or her legal guardian (e.g., fundraising or donations may not be used to repay the benefit). Any limited exception to this policy must be approved by the reinstatement staff or committee.
- b. If the reinstatement condition requires repayment and/or community service/service learning, an institution may choose to enter into a repayment and/or community service/service learning plan with the student-athlete. The plan must be approved by the reinstatement staff. The institution, however, is responsible for monitoring and verifying when payments and/or service hours are completed by the student-athlete.

- c. The institution must keep documentation of all repayments and/or service hours which can be requested by the reinstatement staff at any time. Further, at the completion of the repayment and/or community service/service learning plan, documentation of each payment and/or service hour must be forwarded to the reinstatement staff along with a statement indicating the student-athlete has satisfied the plan.
- d. If a student-athlete competes while not current with an approved repayment and/or community service/service learning plan, the institution is in violation of NCAA rules and must report that violation to the reinstatement staff and NCAA secondary enforcement staff.

Default occurs on a plan if, at the conclusion of the plan, all payments and/or service hours have not been completed or if the student-athlete competes while not current with payments and/or service hours under the plan. Failure by a student-athlete to satisfy or meet the terms of an approved plan after competing under the plan will result in the reinstatement staff not entering into either repayment or community service/service learning plans with the institution the student-athlete attends for a four-year period. An institution may choose to notify the reinstatement staff that a student-athlete has defaulted prior to conclusion of the plan and begin the four-year period on notification of default.

- e. If an institution wishes to appeal the four-year period, the institution must submit a written request to the division-specific committee chair explaining its reason for relief. Cases will be reviewed by written record unless the chair determines a teleconference is warranted. An institution may appeal the institutional ban to the committee chair only when an institution has a reinstatement request involving a reinstatement condition requiring repayment and/or community service/service learning (i.e., ripe request). If the appeal is approved, the institutional ban is lifted for all subsequent reinstatement requests from the institution until another default occurs.
- f. If a student-athlete transfers to another NCAA institution while subject to a repayment and/or community service/service learning plan, responsibility for the administration of the plan will accompany the student-athlete to the new NCAA institution. If the student-athlete departs the original NCAA institution while not current with the plan, the initial NCAA institution will be responsible for the plan until the student-athlete is current with the terms of the plan. The new NCAA institution must modify or accept the original terms of the plan established by the previous institution and student-athlete and provide notice to the reinstatement staff of the updated terms by providing a copy of the plan. Once the plan between the new institution and the student-athlete is accepted by the reinstatement staff, the

previous institution will have satisfied its obligation. The student-athlete must remain current with his or her plan to be eligible for competition.

- g. Additional division-specific guidelines and policies regarding repayment and/or community service/service learning are located in the Divisions I, II and III Committees on Student-Athlete Reinstatement Guidelines.
- h. Government taxes. The committees determined when a prospective student-athlete or student-athlete accepts impermissible prize money, payment based on performance or other impermissible benefits that are subject to government taxes, the repayment value may be reduced by the amount of taxes assessed if contemporaneous documentation demonstrates taxation occurred prior to distribution to the individual. However, if the prize money or benefits received is subject to taxation at a later date, the individual is required to make repayment of the full value of the prize money or benefits received.

7. Ineligibility for multisport student-athlete.

- Multisport student-athletes are required to fulfill the repayment condition in order to participate in any one of their sports. In cases where a multisport student-athlete must fulfill the reinstatement condition of missing competition as a result of a violation that is not sport-specific and the withholding condition imposed is greater than the remainder of the sport's season in which the student-athlete is currently participating, the committee instructed the reinstatement staff to withhold the student-athlete from the remainder of the current season's contests and fulfill the remaining withholding condition during the first regularly scheduled contests of the next sport in which the student-athlete will be participating. In cases where a multisport student-athlete must fulfill the reinstatement condition of missing competition as a result of a violation that is sport-specific, and the withholding condition imposed is greater than the remainder of the sport's season in which the student-athlete is currently participating, the committee instructed the reinstatement staff to withhold the student-athlete from the remainder of the current season's contests and fulfill the remaining withholding conditions during the next season in that sport. In order to satisfy the withholding condition, the committee noted that the student-athlete must be cited on the institution's squad list(s) prior to the violation in order for the student-athlete to fulfill the withholding condition in more than one sport.

8. Criteria for staggering.

- a. The committees determined that staggering should be allowed when multiple student-athletes from the same team are required to be withheld and the impact of the withholding condition affects the ability to field a team or creates a potential

health risk on the eligible student-athletes due to playing with a decreased squad size. The committees determined that the condition should be fulfilled as quickly as possible with the largest number of student-athletes being withheld from the first contests.

- b. In addition, specific to basketball, the Divisions I and III committees noted that a squad size of seven members is adequate to field a team.

9. Cross-divisional issues.

- a. Application of reinstatement conditions to transfer student-athletes. The committees determined that a student-athlete who was involved in a violation and then transfers between divisions (e.g., Division I to Division II) will be subject to the reinstatement guidelines of the division in which the violation occurred.

Further, any appeals of the reinstatement condition will be reviewed by the divisional committee associated with the institution at which the violation occurred. If the student-athlete has already been provided a reinstatement condition or has already fulfilled a reinstatement condition at the time of transfer, the case does not need to be re-examined based on the new division's guidelines.

- b. Application of waiver decisions to transfer student-athletes. The committees determined that a waiver approved by the Committee on Student-Athlete Reinstatement for a student-athlete who transfers between divisions (e.g., Division I to Division II) applies at the new institution to which the student-athlete transfers, regardless of the difference in division.

Further, any appeals of the waiver decision will be reviewed by the divisional committee associated with the legislation under which the waiver was reviewed. If the student-athlete has already received an approved waiver, the case does not need to be re-examined based on the new division's guidelines.

- c. Season-of-competition waivers. Season-of-competition waiver requests will be reviewed pursuant to the legislation of the division in which the competition occurred. Any appeals would be heard by the divisional committee associated with the institution at which the competition occurred unless the student-athlete did not use a season of competition based on that division's legislation. When this occurs, the appeal would be reviewed by the divisional committee associated with the institution to which the student-athlete transferred.

- d. Hardship waivers. Hardship waiver requests will be reviewed pursuant to the legislation of the division where the injury or illness occurred or based on the legislation applicable to the student-athlete's current institution (whichever is most

beneficial). The appeal would be heard by the division applicable to the legislation applied.

10. Chancellor's and president's letters. The committees indicated that letters should be sent to the chancellor or president of the institution, and a copy should be sent to the commissioner of the institution's conference, when relief from the normal reinstatement outcome is provided under one of the following circumstances:

- a. Institutional error results in an ineligible student-athlete competing when he or she would have otherwise been withheld;
- b. Student-athlete reinstatement committees or reinstatement staff forgives repayment as a result of institutional error; or
- c. Student-athlete reinstatement committees or reinstatement staff provides relief based on widespread error on campus or egregious misadvisement or error by an institutional staff member.

The letter will not be punitive in nature but will serve as notification to the institution that relief was provided as a result of institutional error or misinformation.

The Division II Committee on Student-Athlete Reinstatement indicated that if the conference office is involved in providing erroneous interpretive information, a letter should be sent to the conference office briefly explaining the circumstances of the case and who provided the erroneous information. Further, the Division II committee directed the reinstatement staff to send a chancellor's and president's letter to an institution when a season-of-competition waiver – competition while eligible is granted for a student-athlete who participated in limited nonregular season competition due to coach's misunderstanding of NCAA legislation. Lastly, the Division II committee directed the reinstatement staff to send a chancellor's and president's letter any time the reinstatement staff grants a waiver based, in part, on institutional error.

The Division III Committee on Student-Athlete Reinstatement requested chancellor's and president's letters be sent to the conference president as identified by the conference (given compliance may be handled by a conference commissioner) in cases when conference error led to relief and, although reinstatement staff should continue to exercise discretion in sending such a letter, consideration should be given when a significant component resulting in relief from a normal withholding condition is being provided based on the misinformation provided by institution/conference personnel.

11. Publication of decision.

- a. Division I Bylaw 21.7.7.3.3.1-(a); Division II Bylaw 21.8.5.5.2.2; and Division III Bylaw 21.9.5.3.4 authorizes the reinstatement staff to act on behalf of the three student-athlete reinstatement committees to apply the eligibility rules of the Association. The reinstatement lead administrator shall provide oversight and consultation, when necessary, regarding the eligibility decisions of the reinstatement staff. In cases where the reinstatement staff provides a decision which (1) does not meet legislative requirements; (2) does not meet a current committee guideline; (3) is inconsistent with established, previously reviewed case precedent; or (4) involves unique circumstances identified by the reinstatement staff as necessary for committee review, the reinstatement staff will provide the committee a chance to review these decisions. Until the committee accepts the reinstatement staff's decision, the case will remain published in Divisions II and III and continue to serve as case precedent. In Division I, these cases shall remain unpublished until the committee reviews the reinstatement staff's decision and the cases are not considered binding precedent for the committee on appeal. If the Division I committee accepts the reinstatement staff's decision, the case will be published to serve as case precedent. In addition, the committees may archive a case. An archived case is not considered binding case precedent and is not published.
- b. Archiving case precedent. The committee has the ability to archive cases based on a change in committee philosophy (with appropriate notice given to the membership); a determination by the committee that a case should not remain published; or be based on the decision date of a case (i.e., cases decided prior to a given date are designated as archived). Cases shall be archived by the reinstatement staff every five years. The archived cases serve only as a historical resource to the membership and reinstatement staff. The reinstatement staff may provide archived cases to the membership for historical and educational purposes within the reinstatement process or for other NCAA purposes (e.g., NCAA Division I Committee on Infractions).