

## A G E N D A

National Collegiate Athletic Association

Division II Committee for Legislative Relief

NCAA National Office  
Indianapolis, Indiana

March 26, 2010  
8 a.m. to 4 p.m. Eastern time

1. Welcome and introductions. (Gene Hermitte)
  - NCAA Division II Committee for Legislative Relief roster. [Supplement No. 1]
2. Discuss establishment of new guidelines for NCAA Division II Bylaw 14.2.4.2. [Supplement No. 2] (Vanessa Fuchs)
3. Review Committee for Legislative Relief cases decided from September 1, 2009, through January 31, 2010, by NCAA staff and committee. [Supplement No. 3] (Alvida Alford)
4. NCAA Division II 2009 through 2012 strategic plan. [Supplement No. 4]
  - Establish specific Committee for Legislative Relief action plans for 2009 through 2012 strategic plan.
5. Review of October 2009 Committee for Legislative Relief report to NCAA Division II Management Council. [Supplement No. 5] (Hermitte)
6. Review the January NCAA Division II Management Council and NCAA Division II Presidents Council summary of actions. [Supplement No. 6] (Hermitte)
7. Update on progress with academic and membership affairs (AMA) online (case management system). (Fuchs)

8. Review of information standards, guidelines and directives. [Supplement No. 7] (Fuchs)
  - Discuss misinformation from a coaching staff member.
9. Review of Committee for Legislative Relief policies and procedures. [Supplement No. 8] (Hermitte)
10. Future meetings.
  - September/October 2010 teleconference.
11. Other business.
12. Adjournment.

**REPORT OF THE  
NCAA DIVISION II COMMITTEE FOR LEGISLATIVE RELIEF**

**ACTION ITEMS.**

**1. Legislative Items.**

- None.

**2. Non-Legislative Items.**

- **Guidelines for Review of Requests Seeking Relief of NCAA Division II Bylaw 14.2.4.2.**
  - (1) Recommendation: Approve new guidelines for review of requests seeking relief of NCAA Division II Bylaw 14.2.4.2, as outlined [Attachment A]. Further, to specify that the guidelines shall be used when reviewing requests submitted for individuals who are issued a final amateurism certification by the NCAA Eligibility Center on or after 4/1/10.
  - (2) Rationale: At the January 2010 Convention, the Division II membership adopted NCAA Division II Proposal No. 2010-11. This new legislation specifies that an individual who does not enroll in a collegiate institution as a full-time student in the regular academic term that begins immediately after a one-year time period following his or her high school graduation date shall use one season of intercollegiate competition for each consecutive 12-month period after the one-year time period and before initial full-time collegiate enrollment in which the individual participates in organized competition. At their March 26 meeting, the NCAA Division II Committee for Legislative Relief updated the existing guidelines for review of requests submitted by institutions seeking relief of Bylaw 14.2.4.2. The committee believes that the attached guidelines will provide the NCAA staff with direction when reviewing requests for relief of Bylaw 14.2.4.2. The guidelines provide for appropriate flexibility within the committee's authority and process, but maintain the current intent of the legislation, which is to charge students accordingly for any organized competition following a delay in collegiate enrollment. The committee noted these guidelines would not be applied retroactively to provide relief to student-athletes who received a final amateurism certification from the Eligibility Center prior to April 1, 2010.
  - (3) Budget Impact: None.

**INFORMATIONAL ITEMS.**

1. **Editorial Revision of Bylaw 14.2.4.2.1.3.1.** The committee recommends the staff editorially revise Bylaw 14.2.4.2.1.3.1 to specifically state that the exception for two-year and four-year college transfers who are subject to the organized competition prior to initial collegiate enrollment legislation only applies to relief of the academic year in residence and does not apply to relief of the season of competition. The committee noted that although the exception is a subset of the academic year in residence requirement (Bylaw 14.2.4.2.1.3), this editorial revision would eliminate any possible confusion within the membership.
2. **Archival of all previous cases.** The committee approved the staff archiving all previous cases seeking relief of Bylaw 14.2.4.2 that were decided based on the April 2008 guidelines. In light of the new guidelines established for review of Bylaw 14.2.4.2 requests, it was decided that all previous cases involving Bylaw 14.2.4.2 be archived, so such cases cannot be used as precedent in future requests seeking relief of Bylaw 14.2.4.2.
3. **Review of Staff and Committee Decisions.** The committee reviewed cases decided by staff and the committee from September 1, 2009, through January 31, 2010. A total of 81 Division II cases were reviewed by the staff, with 29 being granted (including four that were granted with conditions) and seven of those cases being granted under the flexible approach (e.g. totality of circumstances in which there was no on-point case precedent or guidance from the committee). The staff denied 51 cases based on case precedent, intent of the legislation, a lack of documentation in support of the assertions and/or a directive. 18 cases were appealed to the committee. The committee overturned the staff's decision to provide partial relief in one of the 18 appeal cases. One blanket waiver was issued during this period. During its March 26, 2010 meeting, the committee approved staff decisions in all seven cases that were granted based on the totality of the circumstances.
4. **Modifications to Application Procedures.** The committee approved the following modification to its application procedures:
  - Cases involving misinformation, a lack of information or institutional error [Attachment B]. Currently, for cases involving misinformation, a lack of information or institutional error in which a student-athlete(s) is detrimentally impacted by the actions of institutional personnel, if the applicant institution benefits (request is granted) as a result of the circumstances, then the chancellor

or president of the applicant institution will be notified by letter from the staff detailing the chronology of the institution's/individual's actions. The committee agreed to revise the current policies and procedures to specify that a copy of the written statement provided to the NCAA from the institutional staff member responsible for the misadvisement must accompany the staff's notification to the president or chancellor. The committee noted this change would: (1) serve as a deterrent to institutional coaching or compliance staff from providing false information; and (2) allow for institutional chancellors and presidents to be able to more directly identify the source of the misguidance and address the situation as they deem appropriate.

5. **Guidelines for Transfer Waivers Involving Assertions of Misinformation.** The committee reaffirmed the current application of the October 1999 guidelines regarding transfer student-athletes who receive misinformation or a lack of information from a Division II institution. In addition, the committee specifically discussed transfer cases involving assertions of misinformation from an institutional coaching staff member who acted independently and never consulted with the institution's compliance staff prior to providing the student-athlete with information related to his or her eligibility. The committee directed the staff to continue to analyze such waivers on a case-by-case basis using the October 1999 guidelines to determine if relief is warranted (e.g., cases in which the student-athlete relied in good faith on the academic misinformation and, had correct information been provided, it was determined that the student-athlete could have met the necessary transfer requirements, but for the misinformation, he or she could have been eligible). The committee is inclined to deny waivers involving misinformation if the student-athlete was properly notified of his or her ineligibility prior to transferring to the certifying institution (e.g., student-athlete was originally misinformed during recruitment but the certifying institution later provided the student-athlete with correct information regarding his or her eligibility status prior to the student-athlete transferring to the institution). In situations involving a request for relief that is based solely on misinformation, if the student-athlete is not eligible at any Division II institution, regardless of the misinformation received, the committee reaffirmed that it would be inclined to deny the request. Finally, the committee requested that staff monitor these waivers and provide a report to the committee at a future meeting.

*Committee Chair: Eugene Hermitte, Johnson C. Smith University, Southern Intercollegiate Athletic Conference*

*Staff Liaison(s): Alvida R. Alford, Academic and Membership Affairs  
Vanessa Fuchs, Academic and Membership Affairs*

*Meeting Date: March 26, 2010*