

A G E N D A

National Collegiate Athletic Association

Division II Committee for Legislative Relief

Chancellors and Presidents Room
NCAA National Office
Indianapolis

March 14, 2012
8:30 a.m. to 4 p.m. Eastern time

1. Welcome and introductions. (Wispeny Ellis)
 - NCAA Division II Committee for Legislative Relief roster. [Supplement No. 1]
2. Review of September 2011 Committee for Legislative Relief report to NCAA Division II Management Council. [Supplement No. 2] (Ellis)
3. Review of Committee for Legislative Relief policies and procedures. [Supplement No. 3] (Ellis)
 - a. Conflict of interest policy. [Supplement No. 4] (Kelly Brooks)
 - b. Case archival procedure. [Supplement No. 5] (Brooks)
4. Review of noncontroversial legislative change to NCAA Bylaw 14.8.1.2. [Supplement No. 6] (Amanda Conklin)
5. Review Committee for Legislative Relief cases decided from August 1, 2011, through January 31, 2012, by the NCAA staff and committee. [Supplement No. 7] (Conklin)
 - a. Review of NCAA Bylaw 14.2.4.2 case decisions. [Supplement No. 8]
 - b. Review of cases approved based on totality of the circumstances. [Supplement No. 9]
6. NCAA Eligibility Center update.
 - a. Graduation date determinations. (Holly Smith)

- b. Amateurism certification processs update. (Mike DeCesare)
- 7. Review of current Division II transfer exceptions. [Supplement No. 10] (Conklin)
- 8. Review of proposed run-off transfer guideline. [Supplement No. 11] (Ellis)
- 9. Review of 1996 directive regarding waiver requests when an institution denies use of the one-time transfer release. [Supplement No. 12] (Brooks)
- 10. Discussion of ease of burden initiative. [Supplement No. 13] (Conklin)
- 11. Future meetings.
 - September 2012, teleconference.
- 12. Other business.
 - NCAA Division II Strategic Plan.
- 13. Adjournment.

**REPORT OF THE
NCAA DIVISION II COMMITTEE FOR LEGISLATIVE RELIEF
MARCH 14, 2012, MEETING**

ACTION ITEMS.

1. Legislative Items.

- **Noncontroversial Legislation – NCAA Bylaw 14.8.1.2 – Eligibility – Additional Waivers for Eligibility Requirements – Management Council Waivers – Residence Requirement.**
 - (1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 14.8.1.2 (residence requirement) to specify that the NCAA Division II Committee for Legislative Relief shall process all requests for waivers of the residence requirement set forth in Bylaw 14.8.1.2.
 - (2) Effective Date. Immediate.
 - (3) Rationale. Although the Committee for Legislative Relief has been processing waivers of the residence requirement set forth in Bylaw 14.8.1.2, current legislation still identifies the NCAA Division II Management Council as the appropriate committee to review such waivers. The legislation has not been amended to reflect that the Committee for Legislative Relief, as a standing committee separate from the Management Council, is now the appropriate body to review waivers of the residence requirement per Bylaw 14.8.1.2.
 - (4) Estimated Budget Impact. None.
 - (5) Student-Athlete Impact. None.

2. Nonlegislative Items.

- **Information Standards and Guidelines for Waivers Involving Bylaw 14.5 (Transfer Regulations) and Assertions that a Student-Athlete was “Run Off” by Previous Institution.**
 - (1) Recommendation. To establish new information standards and guidelines, as specified, for the review of requests seeking relief of Bylaw 14.5.1 (residence requirement – general principle) in cases where an institution is asserting that the student-athlete was “run off” by his or her previous institution. [Attachment]

- (2) Effective Date. August 1, 2012, for student-athletes transferring to a NCAA Division II institution on or after August 1, 2012.
- (3) Rationale. The committee has encountered waiver appeals in which a student-athlete was unable to use the one-time transfer exception due to a previous transfer (e.g., 4-4-4 transfer) and the institution has requested relief from the academic year in residence. In several cases, the student-athlete's athletically related financial aid was not renewed at the previous institution or the individual was cut from the previous institution's team due to reasons outside the student-athlete's control. In such cases, the applicant institution commonly asserts that the loss of athletics aid created a financial hardship or the student-athlete transferred to continue his or her participation in intercollegiate athletics. The current waiver guidelines do not provide the opportunity for the NCAA staff to provide relief in such cases absent other mitigation. The recommended guideline would provide the opportunity for relief from the transfer legislation if the student-athlete is able to demonstrate that he or she was run off from the previous institution.
- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. The proposed guideline would provide the opportunity for a student-athlete who is run off from his or her previous institution to receive relief from the transfer year in residence, provided the individual was otherwise eligible for use of the one-time transfer exception, but could not use the exception due to a previous transfer (e.g., 4-4-4 transfer).

INFORMATIONAL ITEMS.

1. **Review of NCAA Staff and Committee for Legislative Relief Decisions.** The committee reviewed cases decided by the NCAA staff and the committee from August 1, 2011, through January 31, 2012. A total of 93 cases were reviewed by the staff. Staff approved 37 cases, 15 of which were approved with conditions. Thirteen cases were approved based on the totality of the circumstances. The staff denied 56 cases, 20 of which were appealed to the committee. The committee affirmed the staff decision in 11 cases and overturned the staff decision on nine occasions.

The following blanket waiver was issued January 23, 2012:

NCAA Division II Committee for Legislative Relief Approves Blanket Waiver for NCAA Bylaws 13.17.4 (Dead Periods for Other Sports) and 13.17.4.1 (National Letter of Intent Signing Date). January 23, 2012. The NCAA Division II Committee for Legislative Relief approved with conditions, a blanket waiver to permit Division II women's ice hockey coaches to attend the April 7-14, International Ice Hockey Federation (IIHF) Women's World Championship. The Division II recruiting period legislation designates the period 48 hours before 7 a.m. on the date for signing the National Letter of Intent shall be a dead period. In issuing this waiver, the committee noted that the IIHF supports the waiver. The committee also noted the NCAA Division I/II Women's Ice Hockey Committees unanimously support the waiver. Further, coaches may not engage in in-person, off-campus recruiting contact with prospective student-athletes April 9, 2012, through 7 a.m. April 11, 2012, while attending the 2012 IIHF Women's World Championship event. The applicable contact restrictions still apply for April 7-8, 2012, and April 11-14, 2012. Finally, the committee noted this is a one-time request and future similar requests may be denied. See Case No. 164565 in AMA Online via the search tab.

2. **Review of NCAA Staff and Committee for Legislative Relief Decisions of Bylaw 14.2.4.2 (Participation in Organized Competition Before Initial Collegiate Enrollment) Cases.** There were a total of 19 cases decided from August 1, 2011, through January 31, 2012. Seven cases were approved by the staff, two of those cases were approved with conditions. The staff denied 12 cases, five of which were appealed to the committee. The committee affirmed the staff decision in all cases.
3. **Conflict of Interest Policy.** The committee reviewed the NCAA Executive Committee conflict of interest policy. Staff will amend the committee's policies and procedures document to include the Executive Committee conflict of interest statement and speaking agent policy.
4. **Case Archival Procedure.** The committee agreed to amend the case archival procedure so that cases are archived every three years rather than every five years. Archiving cases following a shorter timeframe will assist in ensuring that the current divisional philosophy is reflected within case precedent.
5. **NCAA Eligibility Center Update.** The committee received an update from NCAA Eligibility Center staff regarding graduation date determinations and the amateurism certification process. The Eligibility Center staff also presented preliminary data outlining the potential impact of implementing a streamlined review process for

organized competition penalties in Division II. The committee directed staff to work with Eligibility Center to gather finalized data. The committee will review the data via teleconference to determine whether it is appropriate to recommend the implementation of a streamlined review process in Division II. If implemented, a streamlined review process would allow NCAA and Eligibility Center staff to identify cases where a student-athlete is penalized for minimal participation in organized competition during a delay in enrollment in order to provide relief without requiring an institution to file a waiver.

6. **Review of Current Division II Transfer Exceptions.** The committee reviewed Division II transfer legislation and discussed the opportunity to recommend legislative changes. No additional action was taken.
7. **Review of 1996 Directive Regarding Waiver Requests When an Institution Denies Use of the One-Time Transfer Exception.** The committee reviewed a 1996 directive regarding requests to waive the transfer-residency requirement due to institutional denial of use of the one-time transfer exception. The committee directed staff to draft an amended version of the directive that eliminates references to the denial of use of the one-time transfer exception by National Association of Intercollegiate Athletics (NAIA) institutions. The staff will meet with legal counsel to discuss the potential impact of the recommended change in addition to the impact of amending the directive further. Staff will provide a draft of the amended directive and an update on any additional recommendations from legal counsel at a future teleconference or meeting.

Committee Chair: Wispeny Ellis, Lynn University, Sunshine State Conference

Staff Liaison(s): Amanda Conklin, Academic and Membership Affairs

D. Kelly Brooks, Academic and Membership Affairs

March 14, 2012, Meeting	
Attendees	Absentees
Brian DeAngelis, East Central University	
Wispeny Ellis, Lynn University	
Kathryn Flaherty, Coker College	
John Mansuy, Wheeling Jesuit University	
Larry Marfise, University of Tampa	

Other Participants: D. Kelly Brooks Amanda Conklin Mike DeCesare Libby Farley Jarrett Newby Kris Richardson Holly Smith Stephanie Smith	
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