

A G E N D A

National Collegiate Athletic Association

Division II Committee on Student-Athlete Reinstatement

NCAA National Office
Indianapolis, Indiana

December 3, 2009
1. to 5 p.m.

1. Welcome new member.
2. Post enrollment contract violations. [Attachment A]
3. Analysis of season-of-competition waivers — competition while eligible coaches' documented misunderstanding of NCAA legislation within extension requests. [Attachment B]
4. Hardship waiver appeals involving misdiagnosis by institution's training room staff. [Attachment C]
5. Review of information from full committee agenda.
6. Modification of NCAA Bylaw 14.2.5.2.3.5. [Attachment D]
7. Review of chancellors' and presidents' letters. [Attachment E]
8. Review of flexible student-athlete reinstatement decisions. [Attachment F]
9. Review of NCAA Division II Guidelines document. [Attachment G]
10. NCAA Division II Strategic Plan.
11. Update on paperless decision letter process.
12. Other business.

**REPORT OF THE
NCAA DIVISION II COMMITTEE ON STUDENT-ATHLETE REINSTATEMENT
DECEMBER 2-4, 2009, MEETING**

ACTION ITEMS.

1. Legislative Items.

- **Noncontroversial Legislation – NCAA Bylaw 14.2.5.2.3.5 (Hardship Waiver – Transfer Student-Athletes).**
 - (1) Recommendation. Sponsor noncontroversial legislation to amend NCAA Bylaw 14.2.5.2.3.5 (transfer student-athletes) to allow a transfer student-athlete to use either all elements of the legislation from the division in which the injury or illness occurred or all elements of the NCAA Division II legislation.
 - (2) Effective Date. Immediate.
 - (3) Rationale. The NCAA Division II Committee on Student-Athlete Reinstatement recommended sponsorship of noncontroversial legislation for the 2010 NCAA Convention amending Bylaw 14.2.5.2.3 (percent calculation) to specify that the percent calculation for scheduled contests or dates of competition for a transfer student-athlete may be based on the method that would be most beneficial to the student-athlete (the rule applicable to the division where the injury or illness occurred or the Division II rule) (see NC-2010-12). However, the legislation does not account for timing during a season when an injury or illness occurs (first half or at any point during the season). The intent of the legislation was to allow a student-athlete to use either all applicable legislative elements from the division where the student-athlete is transferring or all applicable legislative elements of the Division II legislation, whichever benefits the student-athlete.
 - (4) Estimated Budget Impact. None.
 - (5) Student-Athlete Impact. None.

2. Nonlegislative Items.

- **Request to Extend Term for Chair of NCAA Division II Committee on Student-Athlete Reinstatement.**

- The committee respectfully submits this request to extend the term of the chair of the Division II Committee on Student-Athlete Reinstatement, Suzanne Sanregret. The committee has reviewed and deliberated on many unique cases and challenging policy issues this year and it believes the continuation of its chair, Suzanne Sanregret, is imperative to ensure continuity of issue review. Suzanne's term as chair expired September 2009 and an extension until January 2011 is requested.

INFORMATIONAL ITEMS.

1. **Post-enrollment contract violations.** The committee reviewed existing post-enrollment amateurism guidelines and case precedent specific to amateurism violations involving an enrolled student-athlete signing a contract with a professional team. It was recommended that the guidelines be updated to include the signing of a contract post-enrollment at an NCAA institution with a starting point of permanent ineligibility.
2. **Analysis of season-of-competition waivers – competition while eligible coaches' documented misunderstanding of NCAA legislation within extension requests.** The NCAA student-athlete reinstatement staff and committee discussed whether a season-of-competition waiver – competition while eligible due to coaches' documented misunderstanding of the legislation should be considered a denied participation opportunity for purposes of an extension of a student-athlete's 10-semesters/15-quarters of eligibility. In its consideration, the staff discussed with the committee Division II legislation for extension requests, specifically Bylaw 30.6.1.3 (exception – student-athlete who does not use season of competition during initial year of collegiate enrollment) and how this bylaw does take into consideration a student-athlete who does not use a season of competition during his or her initial year of collegiate enrollment. With this in mind, the committee believed it appropriate for the staff to consider the season-of-competition waiver – competition while eligible coaches' documented misunderstanding of the legislation a denied participation opportunity as long as the waiver is granted during the student-athlete's initial year of full-time collegiate enrollment at an NCAA institution.
3. **Hardship waiver appeals involving misdiagnosis by institution's training room staff.** The committee reviewed and discussed case precedent involving situations where a student-athlete was misdiagnosed by an institution's training room staff member and either did not see a medical doctor regarding the injury or did not see a medical doctor until after he or she had already participated in competition that exceeded the legislated

limit. The committee agreed that the legislation clearly states that contemporaneous medical documentation from a physician or medical doctor that establishes the student-athlete's inability to compete for the remainder of the playing season as a result of an injury or illness shall be submitted with any hardship waiver request. The committee fully supports the legislated medical documentation standards and staff should continue to make case-by-case analysis when dealing with all hardship waiver appeal requests.

4. **Review of flexible student-athlete reinstatement decisions.** The committee reviewed flexible cases decided since the last meeting and had a dialogue regarding the specific circumstances of each case. As a result of these discussions, the committee archived student-athlete reinstatement Eligibility Case Nos. 32974, 33676 and 33768 due to the unique circumstances of the cases.
5. **Review of NCAA Division II Student-Athlete Reinstatement Guidelines document.** The committee reviewed the current NCAA Division II Student-Athlete Reinstatement Guidelines document and approved all amendments.
6. **NCAA Division II Strategic Plan.** The staff reviewed and updated the committee on the progress that has occurred within the Division II membership regarding the NCAA Division II Strategic Plan. Staff provided the committee with an overview of the strategic plan and the action steps that staff have taken regarding the goals and priorities within that plan. Staff also highlighted the NCAA Division II 2010 Priorities that were approved and endorsed by the NCAA Division II Management Council and the NCAA Division II President's Council and will be unveiled at the 2010 NCAA Convention. Staff also asked the committee to work with the Division II membership to find other opportunities for staff and the committee to meet the goals and priorities within the strategic plan.
7. **Update on paperless decision letter process.** Institutions have been receiving paperless decision letters in Divisions II and III since spring 2009 and general feedback has been positive. The only issue that occasionally arises is the need for institutions to make sure the appropriate division (i.e., I, II or III) is selected within the Legislative Services Database for the Internet (LSDBi) in order to locate and print the institution's case write up.

8. Review of reinstatement appeals. The student-athlete reinstatement staff provided the committee with an update regarding student-athlete reinstatement appeals heard by the committee from April 1, 2009, to October 2, 2009.

9. Valuation of Impermissible Extra Benefits.

- a. Textbooks. The committee determined the withholding condition associated with a textbook violation shall be determined by the full retail value of the book at the time of purchase, whether purchased as a new or used textbook. The repayment value is based on the full retail value of the book at the time of purchase, minus the return value of the book at the time the book is returned. The return value used must be available to all students at the institution and not a rate specific to the athletics department.
- b. Housing valuation. The committee determined the valuation for impermissible lodging to be the following:
 - (1) If a prospective student-athlete or student-athlete stays on campus, then the residence hall rate shall apply;
 - (2) If an individual impermissibly stays at a hotel, the hotel daily rate for the same room type at the specific hotel shall apply; and
 - (3) If an individual impermissibly stays off campus at a private residence, the rental value of the property shall serve as the basis for the valuation. It is permissible to divide the rental value by the number of people staying in the household to calculate the value of an individual's stay on a per night basis.

If valuation is not readily available, the committee instructed staff to ask institution's why valuation is not available and where the student-athlete would have lived if impermissible lodging was not provided. Committee agreed staff should provide flexibility in determining valuation of the impermissible lodging when a value cannot readily be determined.

10. Review of NCAA Student-Athlete Reinstatement Policies and Procedures. The committee reviewed and approved the revised policies and procedures document presented by the staff. The updates included clarifying language regarding repayment

plans and editorial revisions.

11. **Chancellors' and Presidents' Letters.** The committee directed staff to begin copying the commissioner of the institution's conference on chancellors' and presidents' letters. In addition, 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. The committee requested staff continue to use discretion in sending the letters; however, key issues that should be considered include whether the case involves application of the flexible approach and if the main factor in the provision for relief is based on error or misadvisement by an institutional or conference staff member.
12. **Student-athlete reinstatement staff decisions based on "flexible" rationale.** On occasion the staff issues a decision that falls outside the committee's approved guidelines by providing partial or complete relief. These cases are termed "flexible decisions" and are reviewed by the committee on a regular basis. After a substantial amount of cases with similar fact patterns that result in a flexible decision accumulate for a particular bylaw cite, the committee directed the staff to recommend these groupings of cases be moved from "flexible" rationale decisions to decisions based on case precedent. The committee will make the final determination to shift the basis for rationale.
13. **Overview of academic fraud violation self-reports and reinstatement requests.** The committee reviewed and reaffirmed the previously approved guidelines for cases that involve academic fraud or misconduct.

*Committee Chair: Suzanne Sanregret, Michigan Technological University, Great Lakes
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*Staff Liaison(s): Danielle Teetzel, Academic and Membership Affairs
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