

## A G E N D A

National Collegiate Athletic Association

Division II Committee on Student-Athlete Reinstatement

Mariner Room

June 10, 2009  
1 to 5 p.m.

1. Welcome new member.
2. Review of NCAA amateurism certification process.
  - a. Update on process.
  - b. Review of cases processed. [Attachment A]
  - c. Guideline for practice and competition violation. [Attachment B]
  - d. Overview of prescribed penalties.
    - (1) Prize money. [Attachment C]
    - (2) Involvement with professional teams. [Attachment D]
    - (3) Amending violation language. [Attachment E]
3. Paperless decision letter process update. [Attachment F]
4. Continued discussion: Use of community service/service learning.
5. Potential penalty associated with granting season-of-competition waivers – competition while eligible coach's documented misunderstanding of the legislation. [Attachment G]
6. Administration of hardship waiver for injury or illness occurring at a non-NCAA institution (NCAA Bylaw 14.2.5.1). [Attachment H]
7. Review of information from full committee agenda.

8. Review of flexible student-athlete reinstatement decisions. [Attachment I]
9. Review of chancellors' and presidents' letters. [Attachment J]
10. Review of NCAA Division II Guidelines document. [Attachment K]
11. 2009 NCAA Regional Rules Seminars update and feedback.
12. Other business.

REPORT OF THE  
NCAA DIVISION II COMMITTEE ON STUDENT-ATHLETE REINSTATEMENT  
JUNE 9-11, 2009, MEETING

ACTION ITEMS.

1. Legislative Action Items.

a. **2010 NCAA Convention Legislation – NCAA Division II Bylaw 12.5.1.1(h) – Amateurism – Promotional Activities - Institutional, Charitable, Educational or Nonprofit Promotions - *De Minimis* Violations.**

- (1) Recommendation. Sponsor legislation for the 2010 NCAA Convention to amend NCAA Division II Bylaw 12.5.1.1[h] (institutional, charitable, educational or nonprofit promotions) to expand situations when violations of Bylaw 12.5.1.1 are considered *de minimis* and, thus, do not impact the eligibility of a student-athlete for any permissible promotional activity where the legislative requirement that is not satisfied is the failure to obtain signatures of student-athletes and an authorized representative of the charitable, educational or nonprofit agency on a release statement ensuring a student-athlete's name, image or appearance is used in a manner consistent with the requirements of this section. Violations of this bylaw shall remain an institutional violation but not impact a student-athlete's eligibility provided the student-athlete and authorized representative indicate subsequent to discovery of the violation that had the release statement been presented, it would have been signed.
- (2) Effective Date. Immediate.
- (3) Many times when the NCAA student-Athlete reinstatement staff is presented with reinstatement requests involving violations of this legislation, the promotional activity is otherwise permissible and the violation is only triggered based on a failure to obtain receipt of appropriate signatures. In all cases, the signatures are subsequently received once the violation is discovered and reinstatement is sought. In all such cases, the eligibility of the involved student-athlete is reinstated without conditions by the student-athlete reinstatement staff. In addition to an effort to reduce bureaucracy, the recommendation is consistent with existing legislation involving a failure to obtain written approval from the institution's chancellor or president involving permissible promotional activities, which is currently *de minimus*.
- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. None.

**2. Nonlegislative Action Items.**

- **None.**

**INFORMATIONAL ITEMS.**

- 1. Competition and Practice Prior to Certification of Amateur Status.** The committee was provided with an update and reviewed case precedent involving situations where a student-athlete has been permitted to participate in practice and competition prior to receiving final amateurism certification from the NCAA Eligibility Center (Bylaw 12.1.1.1.3). The committee directed the student-athlete reinstatement staff to apply the guidelines previously approved at the December 2007 meeting which have an effective date of August 1, 2009, for student-athletes first enrolling at a Division II institution on or after the 2009-10 academic year. [Attachment A]

**2. Overview of Prescribed Penalties.**

- a. Discussion of Prize Money Guidelines in Prescribed Penalties.** The committee reviewed the current guidelines in the prescribed penalties chart regarding student-athletes accepting prize money subsequent to initial full-time enrollment at a non-NCAA institution. In its discussions, the student-athlete reinstatement staff specifically addressed situations when a student-athlete accepts prize money subsequent to initial full-time enrollment at a non-NCAA institution while the student-athlete is not enrolled full time or the student-athlete has a period of time after enrolling full time when he or she was not enrolled, thus, avoiding the application of the organized competition rule in Bylaw 14.2.4.2. The committee approved the recommended prescribed penalty proposed by the student-athlete reinstatement staff charging the student-athlete one season for every calendar year (subsequent to initial full-time enrollment at a non-NCAA institution) that he or she receives prize money while not enrolled full time. [Attachment B]
- b. Discussion of Involvement with Professional Teams.** The committee reviewed the current guidelines in the prescribed penalties chart regarding student-athletes competing on a professional team subsequent to initial enrollment at a non-NCAA institution. In its discussions, the student-athlete reinstatement staff specifically addressed situations when a student-athlete competes on a professional team subsequent to initial full-time enrollment at a non-NCAA institution while the student-athlete is not enrolled full time or the student-athlete has a period of time after enrolling full time when he or she was not enrolled, thus, avoiding the application of the organized competition rule in Bylaw 14.2.4.2. The student-

athlete reinstatement staff recommended the committee amend the current guidelines in the prescribed penalties chart by incorporating the term “full time” into the description of the violation to address the intent of the committee’s prescribed penalty. The committee approved this amendment and the proposed prescribed penalty charging the student-athlete one season for every calendar year in which the student-athlete was competing with a professional team while not enrolled full time at the non-NCAA institution. [Attachment C]

- c. **Amending Violation Language.** The committee reviewed the description of the violation language currently found in the topic, “Agent Violations,” located in the prescribed penalties chart and approved adding the language “relatives or friends” within the description of the violation. [Attachment D]
3. **Division II Student-Athlete Reinstatement Policies and Procedures.** The committee reviewed and approved the revised policies and procedures document presented by the student-athlete reinstatement staff. The specifics of the changes can be found in Attachment E. Specifically, the updates included changing the language to make it consistent with the current governance structure for all three divisions and language regarding the requirement for signature for appeals and applications. [Attachment E]
4. **Review of NCAA Amateurism Certification Process.** The student-athlete reinstatement staff provided an update to the committee regarding the amateurism certification process and an overview of the amateurism certification cases processed in which a reinstatement condition was imposed.
5. **Paperless Decision Letter Process Update.** The student-athlete reinstatement staff provided an update to the committee regarding the status of shifting to a paperless decision letter. In addition, the student-athlete reinstatement staff provided the committee with the language that will be used in the e-mail sent to institution’s notifying them that a decision in their specific case has been reached. The committee is supportive of the shift to a paperless decision letter.
6. **Use of Service Learning.** The student-athlete reinstatement staff provided an update to the committee regarding the use of service learning to fulfill a reinstatement condition. During its December 2008 committee meetings, the student-athlete reinstatement staff was directed to seek guidance from the NCAA Division II Presidents Council regarding the appropriateness of using service learning as a condition of reinstatement. The student-athlete reinstatement staff forwarded this item to the NCAA Division II

Presidents Council (via the NCAA Division II governance group) for their feedback. The student-athlete reinstatement staff will provide an update to the committee during the December 2009 meetings regarding the outcome of the Presidents Council discussions.

- 7. Potential Penalty Associated with Granting Season-of-Competition Waivers – Competition While Eligible Coach’s Documented Misunderstanding of the Legislation.** The committee reviewed and approved a new chancellor’s and president’s letter created by the student-athlete reinstatement staff to be used specifically in situations when the student-athlete reinstatement staff grant a student-athlete a season-of-competition waiver – competition while eligible due to coach’s documented misunderstanding of the legislation. The committee also discussed the potential for fining institutions or coaches and/or suspending coaches for documented misunderstanding of the legislation that results in a student-athlete using a season of competition. The committee directed the staff to seek guidance from the NCAA Division II Committee on Infractions regarding imposing an institutional fine and/or coach’s penalty associated with the granting of this waiver.
- 8. Administration of Hardship Waiver for Injury or Illness Occurring at a non-NCAA Institution (Bylaw 14.2.5.1.1).** The committee reviewed a request to consider amending the hardship waiver legislation as it relates to the administration of the hardship waiver for an injury or illness occurring at a non-NCAA institution (Bylaw 14.2.5.1.1). The committee believes that the legislation ensures consistency in the application of the hardship waiver across all Division II institutions. The committee noted a staff interpretation that was incorporated into the NCAA Division II Manual specifically addressing the application of the hardship waiver. The committee believes that maintaining the legislation as written strongly supports the beliefs of the Division II membership.
- 9. 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 Eligibility Case No. 32076 due to the unique circumstances of the case. In addition, the committee asked the staff to consider conducting teleconferences during which flexible cases would be reviewed. The committee believes that conducting these teleconferences instead of discussing these cases during each committee meeting will allow more time to be spent on other agenda items.

- 10. Review of Chancellors' and Presidents' Letters.** The student-athlete reinstatement staff reviewed with the committee the current language used in the chancellor's and president's letter. The committee advised the student-athlete reinstatement staff to continue sending the chancellor's and president's letter with such language. In addition, the committee directed the student-athlete reinstatement staff to send a chancellor's and president's letter even when the institutional staff member who made the error is no longer employed at the institution. Finally, the committee requested the student-athlete reinstatement staff research why the chancellor's and president's letter is not sent to those institutional staff members who receive copies of the decision letter and the conference commissioner. The student-athlete reinstatement staff will report its findings to the committee at the December 2009 meeting. [Attachment F]
- 11. Review of NCAA Division II Guidelines Document.** The committee reviewed the current NCAA Division II Student-Athlete Reinstatement Guidelines document and approved it with one amendment. Specifically, the committee requested the student-athlete reinstatement staff amend the section addressing Division II Bylaw 10 to include misconduct as well as academic fraud. Including misconduct in this guideline was the original intent of the committee when they amended the guideline in May 2008.
- 12. 2009 NCAA Regional Rules Seminars Update and Feedback.** The student-athlete reinstatement staff provided the committee with feedback received from the 2009 NCAA Regional Rules Seminars in Atlanta and Anaheim. The committee expressed concern regarding the limited number of sessions for the Division II membership.
- 13. 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 October 1, 2008, through March 31, 2009.
- 14. Medical Standards for Hardship Waiver Appeals and Extensions.** The committee discussed amending the hardship waiver legislation language to further clarify the intent of the legislation. The committee determined that the current legislation is appropriate and no modification needs to be made at this time. The committee believes the membership understands the hardship waiver legislation and is comfortable with the legislation as written. The committee was informed by the student-athlete reinstatement staff that the NCAA Division II Legislation Committee is currently looking at the issue of chiropractor records as medical documentation.

The committee directed the student-athlete reinstatement staff to send the hardship waiver memorandum to all Division II conference commissioners, athletics directors, senior woman administrators, faculty athletics representatives, compliance coordinators and athletic trainers again this fall and continue this practice each fall.

15. ***De minimis* Review of Bylaw 13.1.1.2.** The committee reviewed a recommendation from the student-athlete reinstatement staff to make violations of Bylaw 13.1.1.2 *de minimis* and, thus, not impacting student-athlete eligibility. The committee was not in support of this change and believed that removing the eligibility impact for these violations would send the wrong message to the membership and student-athletes, and give a false perception of the importance of the bylaw.
16. **NCAA Agent, Gambling and Amateurism Activities Update.** The committee received an update from the NCAA agent, gambling and amateurism activities (AGA) staff. The AGA staff noted changes to NFL Players Association rules and the pending release of a gambling study conducted by the NCAA research staff.
17. **Technology Update.** The student-athlete reinstatement staff updated the committee on the new database and submission of reinstatement requests and waivers. The project is currently being reviewed by the consultant group KPMG. The goal is to provide an entire online submission process for student-athlete reinstatement violations and waivers.
18. **Cross-Divisional Issues.** The committee approved the use of a cross-divisional issues chart presented by the student-athlete reinstatement staff. The chart's purpose is to clearly display which division's legislation applies when a student-athlete transfers divisions and which division's committee has jurisdiction over an appeal. The committee requested that an additional column be added to include when a student-athlete's participation occurred at a non-NCAA institution. The committee directed the student-athlete reinstatement staff to use the chart and incorporate it within the policies and procedures which will be posted online for membership access.
19. **Conflict of Interest and Speaking Agent Policy.** The committee reviewed the NCAA conflict of interest and speaking agent policy.



- 20. Preparation and Documents for Committee Meetings.** The committee requested the student-athlete reinstatement staff find ways to simplify committee meeting materials for ease of comprehension and more efficient use of meeting time. In addition, the committee requested the materials be more easily accessible through the use of external jump drives and/or zip drives.

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