

A G E N D A

National Collegiate Athletic Association

Division II Committee on Student-Athlete Reinstatement

Studio Five

December 2, 2010
1 to 5 p.m.

1. Review of NCAA Bylaw 14.2.7 Season-of-Competition Waiver — Competition While Eligible cases involving coach's error. [Attachment A]
2. Application of withholding conditions. [Attachment B]
3. Review of Initial-Eligibility Violation — Participation prior to academic certification within guidelines. [Attachment C]
4. Discussion on recommendations for the Division II Long-Range Projections Task Force. [Attachment D]
5. Review of information from full committee agenda.
6. Review of the NCAA Division II Guidelines document. [Attachment E]
7. Chancellors' and presidents' letters. [Attachment F]
8. NCAA Division II Strategic Plan and governance update. [Attachment G]
9. Other business.

**REPORT OF THE
NCAA DIVISION II COMMITTEE ON STUDENT-ATHLETE REINSTATEMENT
DECEMBER 2-3, 2010, MEETING**

ACTION ITEMS.

1. Legislative Items.

- None.

2. Nonlegislative Items.

- None.

INFORMATIONAL ITEMS.

- 1. Initial-Eligibility Violations Involving Canceled Standardized Test Scores.** The committee discussed appropriate reinstatement outcomes for initial-eligibility violations involving student-athletes who practice, compete and/or receive athletics related financial aid prior to cancellation of a standardized test score that renders the student-athlete a nonqualifier. The committee recommended that if a full initial-eligibility waiver (practice, competition and financial aid) subsequently has been granted and the institution has provided additional mitigation, the student-athlete reinstatement staff should provide complete relief. The committee recommended that if a partial initial-eligibility waiver (practice, financial aid or both) subsequently has been granted, the student-athlete reinstatement staff should provide similar relief (e.g., if the initial-eligibility waiver was granted for practice but not financial aid, then relief should be provided from practice withholding but not repayment of financial aid). Finally, the committee noted that, if an initial-eligibility waiver is not granted and no additional mitigation is presented by the institution to warrant relief, then a withholding condition for practice and competition and repayment of financial aid should be imposed.
- 2. Guidelines for Violations of the Initial-Eligibility Certification Process.** The committee reviewed the current guidelines for violations of initial-eligibility certification, specifically student-athletes competing and practicing impermissibly prior to final academic certification. The committee approved the student-athlete reinstatement staff's recommendation to place a maximum cap of 10 percent of one season of competition based on Bylaw 17 maximums for withholding conditions that may be applied to a student-athlete who competes prior to receiving final academic certification as a qualifier from the NCAA Eligibility Center. The committee noted modifying the guidelines in this way would place the guidelines for academic initial eligibility more in line with the

guidelines for pre-enrollment amateurism certification violations (Bylaw 12.1.1.1.3) given similar circumstances and fact scenarios. In addition, the committee directed the student-athlete reinstatement staff to provide full relief from a practice withholding condition for student-athletes who practice prior to receiving final academic qualifier or partial qualifier certification. Finally, the committee also directed the student-athlete reinstatement staff to provide this same relief from a practice withholding condition for student-athletes who practice prior to receiving a final amateurism certification decision by the NCAA Eligibility Center and are subsequently certified as an amateur without conditions.

3. **Extension Requests Involving Legal Issues and Allegations.** The committee discussed extension requests involving legal issues or allegations against a student-athlete who is wrongly accused or acquitted of the same and the institution has taken action to suspend the student-athlete for such conduct based on the institution's code of conduct standards and requirements. The committee recommended the student-athlete reinstatement staff continue to review these cases using a case-by-case approach and consider any institutional action in its analysis. If the institution finds the student-athlete in violation of institutional rules (e.g., code of conduct) regardless of the outcome of the legal issues against the student-athlete, the committee determined staff's decision should not supersede the institutional action since the institution's action was independent of the student-athlete's legal proceedings. In these instances, the committee determined the student-athlete has used a participation opportunity.
4. **NCAA Bylaw 14.2.7 Season-of-Competition Waiver — Competition While Eligible Cases Involving Coaches' Error.** The NCAA Division II Committee on Student-Athlete Reinstatement reviewed season-of-competition waiver cases involving coaches' error and coaches' documented misunderstanding. The committee affirmed its position from the December 2008 committee meetings that the student-athlete reinstatement staff should continue to apply legislation as written for coaches' documented misunderstanding and directed the student-athlete reinstatement staff to review coaches' error cases on a case-by-case basis. The committee directed the student-athlete reinstatement staff not to grant coaches' documented misunderstanding or coaches' error waiver cases if the student-athlete participated in more than two contests or dates of competition or 20 percent of the institution's scheduled or completed contests or dates of competition per NCAA legislation. In addition, the committee is not comfortable carving out an exception for sports that do not have nonregular-season competition. (e.g., exhibitions and scrimmages.)

5. **Application of Withholding Conditions.** The committee reviewed the history and current application of withholding conditions for team and individual sports. The committee affirmed its position from the May 2010 committee meetings that those contests or dates of competition used for fulfilling a reinstatement condition must be those used for team selection to the NCAA championships or those dates used to qualify for the NCAA championship (whichever is applicable to that sport).

6. **Clarification of Application of Penalty for Banned Substance Violation.** The committee reviewed the recent academic and membership affairs staff confirmation published December 2, 2010, regarding seasons of competition and banned drugs, which clarifies that a student-athlete who is found to have used a substance on the list of banned drug classes automatically loses one season of competition, regardless of whether the positive test occurs prior to or during the institution's playing season in the applicable sport. Further, if a student-athlete has participated in competition during an academic year prior to the positive drug test or during an academic year after the reinstatement of his or her eligibility, the student-athlete also uses a season of competition under the minimum amount of competition legislation. Consequently, it is possible for a student-athlete to be charged with the use of two seasons of competition during one academic year. The committee noted that notice to the membership is necessary given the appropriate application of the legislation and confirmed an effective date involving drug tests occurring on or after August 1, 2011.

In addition, the committee examined cases in which a student-athlete is withheld from post-season competition as a part of a minimum of the equivalent of one-season of competition. The committee felt comfortable that the requirement that a student-athlete also is withheld for a 365-day period is an adequate safeguard against any potential competitive advantage gained by a team with extended post-season competition. Finally, the committee affirmed participation in any competition between the testing date and notification would require additional withholding following expiration of the 365-day period of ineligibility.

7. **Application of Rounding Guidelines for Purposes of Withholding.** The committee discussed revisions to the rounding guidelines to make "percentage-based" and "one-for-X-based" withholding conditions consistent. The committee created a more uniform method of rounding for withholding conditions by directing the student-athlete reinstatement staff that withholding conditions of .5 and above should be rounded up, whereas withholding conditions of .4 and below should be rounded down.

8. **Use of NCAA Bylaw 10.1 (Unethical Conduct) Statement Prior to Teleconference Appeal.** The committee decided to incorporate pertinent language from Bylaw 10.1 within the opening remarks provided at the beginning of the appeal call by the committee chair or lead committee member to serve as a reminder of the participants' continuing ethical obligations during the appeal process.
9. **Review of the NCAA Division II Guidelines Document.** The committee reviewed and approved the current NCAA Division II Student-Athlete Reinstatement Guidelines document.
10. **Discussion on Recommendations for the Division II Long-Range Projections Task Force.** The committee discussed the formation of the Long-Range Projections Task Force and the charge to establish a list of priorities for the Division II budget. The student-athlete reinstatement staff requested the committee review the initial list of priorities for the Division II budget and add additional priorities if applicable. The committee engaged in discussions and ranked the top 10 priorities. The student-athlete reinstatement staff will communicate the committee's rankings to the NCAA Division II governance group.
11. **NCAA Division II Strategic Plan and Governance Update.** The student-athlete reinstatement staff updated the committee on the progress that has occurred within the Division II membership regarding the NCAA Division II Strategic Plan. In addition, the student-athlete reinstatement staff provided the committee with an overview of the strategic plan and the action steps the student-athlete reinstatement staff has taken regarding the goals and priorities within that plan.
12. **Selection of New Chair.** The committee approved the nomination of Kim Vinson, compliance coordinator at Cameron University to serve as the new NCAA Division II Committee on Student-Athlete Reinstatement chair.
13. **Litigation Update.** Scott Bearby, interim NCAA general counsel, reported on the legal activity in which the Association is involved.

14. Future Meetings. The committee established the following meeting dates and locations:

- a. May 3-4, 2011: Indianapolis.
- b. November 30- December 1, 2011: Indianapolis.

*Committee Chair: Suzanne Sanregret, Michigan Technological University, Great Lakes
Intercollegiate Athletic Conference*

*Staff Liaison(s): Danielle Teetzel, Academic and Membership Affairs
Nino Berticelli, Academic and Membership Affairs
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