

A G E N D A

National Collegiate Athletic Association

Division II Committee on Student-Athlete Reinstatement

NCAA National Office

December 1, 2011
8:30 a.m. to noon

1. Review of information from full committee agenda.
2. Continued discussion of NCAA Bylaw 14.2.5.2.3.1 (Hardship Waiver- Denominator in Percent Computation). [Attachment A]
3. Review of the Bylaw 10.1 guideline. [Attachment B]
4. Extension requests involving four participation opportunities and two denied participation opportunities. [Attachment C]
5. Discussion on the application of organized competition legislation when a reinstatement condition also applies.
6. Review of recommendations to strategically manage NCAA Division II membership growth. [Attachment D]
7. NCAA Division II Strategic Plan and governance update. [Attachment E]
8. Review of the NCAA Division II Guidelines document. [Attachment F]
9. Chancellors' and presidents' letters. [Attachment G]
10. Other business.

**REPORT OF THE
NCAA DIVISION II COMMITTEE ON STUDENT-ATHLETE REINSTATEMENT
NOVEMBER 30-DECEMBER 1, 2011, MEETING**

ACTION ITEMS.

1. Legislative Items.

- None

2. Nonlegislative Items.

- None.

INFORMATIONAL ITEMS.

- 1. Review of NCAA Division II Bylaw 10.1 (Unethical Conduct).** The NCAA Division II Committee on Student-Athlete Reinstatement reviewed the current NCAA Division II guidelines specific to NCAA Division II Bylaw 10.1 and re-affirmed that the starting point for violations of Bylaw 10.1 is sit-a-year, charge-a-year. Specifically, the committee noted this starting point is applicable for academic fraud/misconduct (10.1-b) and false or misleading information (10.1-d and j). In addition, the committee noted for Bylaws 10.1 (d) and 10.1 (j) the student-athlete reinstatement staff may consider increasing the starting point withholding condition when any of the following factors apply:

- a. The student-athlete acted actively and deliberately to conceal, omit or provide inaccurate or false information; or
- b. The student-athlete had multiple opportunities to correct or provide accurate information; or
- c. The student-athlete provided incomplete or inaccurate information to the NCAA enforcement or amateurism certification staffs.

- 2. Review of Gambling Guidelines and Case Precedent.** After review of case precedent and discussion of violations specific to gambling activities that do not trigger the legislated minimum penalty of NCAA Division II Bylaw 10.3.2, the committee adjusted its direction to the student-athlete reinstatement staff to more fully recognize that gambling violations are considered egregious in nature and a priority area for the membership. Effective for violations occurring on or after August 1, 2012.

The committee determined the following:

- a. The following conditions will be applied for all gambling violations (dollar value is amount wagered):
 - (1) \$25 or less = no withholding.
 - (2) Greater than \$25 to \$100 = 10 percent withholding condition.
 - (3) Greater than \$100 to \$300 = 30 percent withholding condition.
 - (4) Greater than \$300 to \$500 = 50 percent withholding condition.
 - (5) Greater than \$500 = sit-a-season/charge-a-season withholding condition.

And, when a student-athlete receives winnings associated with any gambling activity, the student-athlete must make repayment of full value received.

- b. In addition, in cases where the impermissible gambling activity greatly exceeds \$500, the committee directed the student-athlete reinstatement staff to consider whether additional withholding, including permanent ineligibility, may be appropriate.

- 3. **Extension Requests Involving Four Participation Opportunities and Two Denied Participation Opportunities.** The committee reviewed the current guideline that specifies an extension request should be denied in cases involving situations where a student-athlete has four participation opportunities and two denied participation opportunities within his or her 10-semester period of eligibility. In its discussions, the committee reviewed those cases involving the legislative exception related to a student-athlete who does not use a season of competition during the initial year of collegiate enrollment (Division II Bylaw 14.2.2.3.1.4). The committee determined the current practice of denying extension requests where the student-athlete has four participation opportunities and two denied participation opportunities should be maintained even when the student-athlete would meet the waiver requirements in Bylaw 14.2.2.3.1.4 (waiver-student-athlete who does not use season of competition during initial year of collegiate enrollment). The committee directed the student-athlete reinstatement staff to archive Eligibility Case Nos. 38786 and 35455.

4. **Application of Organized Competition Legislation (Division II Bylaw 14.2.4.2) When a Reinstatement Condition Involving Competition Also Applies.** The student-athlete reinstatement staff reviewed situations when a student-athlete could be subject to the organized competition legislation and also a student-athlete reinstatement condition. Given a student-athlete is not otherwise eligible when they are fulfilling an organized competition legislative penalty and in order to fulfill a reinstatement condition the student-athlete must be otherwise eligible for competition, the withholding condition cannot be served concurrently with the organized competition legislation penalty.
5. **Review of NCAA Division II Bylaw 14.2.5.2.3.1 (Hardship Waiver- Denominator in Percent Computation).** The committee further discussed Division II Bylaw 14.2.5.2.3.1 specific to the sports of indoor and outdoor track and field and the denominator in the hardship waiver computation. The committee asked the student-athlete reinstatement staff to present legislative options at a future meeting to illustrate how changes to the legislation may positively or negatively impact a student-athlete whose institution sponsors both sports.
6. **Consideration of Taxes Within Repayment Amounts.** The committee reviewed the repayment aspect of cases in which a prospective student-athlete or student-athlete accepts impermissible prize money, payment based on performance or other impermissible benefits which are subject to government taxes. The committee determined the repayment value may be reduced by the amount of taxes assessed if contemporaneous documentation demonstrates taxation occurred prior to distribution to the individual. However, if the prize money or benefits received is subject to taxation at a later date, the individual is required to make repayment of the full value received.
7. **Impact of Ineligible Student-Athlete “In Uniform” on Bench.** Following a review of case precedent, it was noted student-athletes who are otherwise ineligible for competition but are permitted by the institution to sit on the team bench in uniform (or for a nonqualifier sitting on the bench), trigger a violation of Division II Bylaw 16.8.1.2 (competition while representing institution). Given this bylaw is *deminimus*, the student-athlete reinstatement staff will archive previous reinstatement cases involving these circumstances.

8. **Review of NCAA Divisions I, II and III Student-Athlete Reinstatement Policies and Procedures.** The committee reviewed and approved editorial updates as well as revised the suspension policy. The committee determined the following: “The student-athlete reinstatement lead administrator in consultation with the division-specific chair, and other committee members at the chair’s discretion, has the ability to suspend a reinstatement condition in very limited circumstances if the next contest is the NCAA championship, a bowl game, the NIT or other national championship in a sport the NCAA does not sponsor. The general practice is that student-athletes are withheld from the next contest(s) even if the next contest(s) is/are part of the NCAA championship, a bowl game, the NIT or other national championship in a sport the NCAA does not sponsor and that policy remains in place. Suspension of a withholding condition is to be used in very limited circumstances where the culpability of the involved student-athlete is minimal and withholding from the NCAA championship, a bowl game, the NIT or other national championship in a sport the NCAA does not sponsor does not seem appropriate. Further, the suspension can only be used if the student-athlete has eligibility remaining the following academic year.”
9. **Review of the NCAA Division II Guidelines.** The committee reviewed and approved the current NCAA Division II Student-Athlete Reinstatement Guidelines.
10. **Review of Recommendations to Strategically Manage NCAA Division II Membership Growth.** The committee reviewed the white paper regarding strategic management of NCAA Division II membership growth and the proposed legislation in preparation for upcoming 2012 NCAA Convention.
11. **Review of NCAA Division II Strategic Plan and Governance Update.** The committee was provided with an update regarding Priority 2.5 in the 2009-12 Division II Strategic Plan and reviewed the proposed 2012-2015 Division II Strategic Plan in preparation for 2012 NCAA Convention. The committee also reviewed the white paper regarding review of NCAA Division II legislation and process and engaged in a discussion regarding the proposed legislation at the 2012 NCAA Convention to ease the burden of compliance with Division II legislation.
12. **Presidential Retreat Update.** The committee received an update from the vice president of academic and membership affairs staff.

13. **NCAA Division II Committee on Infractions Limited Immunity.** The managing director of major enforcement provided further clarification regarding application of limited immunity procedure.
14. **Litigation Update.** The committee received an update from the NCAA office of legal affairs.
15. **Review of Appeal Packet Materials.** The committee reviewed the general content and structure of appeal materials used for written and telephonic student-athlete reinstatement appeals. The committee made specific recommendations to reduce the duplication of information within the appeal packet.
16. **AMA Online Update.** The committee received an update regarding AMA Online and future enhancements available through version 2.0.
17. **Conflict of Interest Policy.** The committee discussed the Association's conflict of interest policy.
18. **Future Meetings.** The committee established the following future meeting dates and location:
 - a. May 23-24, 2012, Indianapolis.
 - b. TBD.

Committee Chair: Kimberly Vinson, Cameron University, Lone Star Conference
Staff Liaison(s): Danielle Teetzel, Academic and Membership Affairs
Nino Berticelli, Academic and Membership Affairs
Jess Rigler, Academic and Membership Affairs
Payton Williams, Academic and Membership Affairs