

A G E N D A

National Collegiate Athletic Association

Division II Committee on Student-Athlete Reinstatement

Florida Room

May 4, 2011
8:30 a.m. to noon

1. Welcome to new member.
2. Review of information from full committee agenda.
3. Review of NCAA Bylaw 14.2.2.3 Ten-Semester/15-Quarter Rule Waiver involving misinformation (Eligibility Case Nos. 34317 and 36476). [Attachment A]
4. Application of 50 percent withholding condition.
 - NCAA Division II Eligibility Case No. 37249. [Attachment B]
5. Review of recommendations to strategically manage NCAA Division II membership growth. [Attachment C]
6. NCAA Division II Strategic Plan and governance update. [Attachment D]
7. Review of the NCAA Division II Guidelines document. [Attachment E]
8. Evaluation of 2011 NCAA Convention.
9. Chancellors' and presidents' letters. [Attachment F]
10. Other business.

**REPORT OF THE
NCAA DIVISION II COMMITTEE ON STUDENT-ATHLETE REINSTATEMENT
MAY 3-4, 2011, MEETING**

ACTION ITEMS.

1. **Legislative Items.**
 - None.
2. **Nonlegislative Items.**
 - None.

INFORMATIONAL ITEMS.

1. **Withholding Conditions for Participation Over Multiple Seasons Prior to Amateurism Certification.** The NCAA Division II Committee on Student-Athlete Reinstatement reviewed cases in which a student-athlete competes for multiple seasons prior to an institution discovering the violation and the student-athlete receiving a final amateur certification decision without conditions. The committee confirmed that the current guideline for competition (one-for-two with a maximum withholding of 10 percent of one season of competition as set forth in NCAA Bylaw 17 for that sport) should be applied regardless of the number of seasons in which the student-athlete competed prior to discovery of the violation and receipt of a final amateur certification decision without conditions.
2. **Update on Agent Trends.** The NCAA Agent, Gambling and Amateurism Activities (AGA) staff reported on recent agent activities and trends and provided an update on the relevant activities of the NCAA Division I Amateurism Cabinet.
3. **Discussion of Academic Fraud Legislation and Guidelines.** The committee continued its discussions in the area of academic fraud.
4. **Review of NCAA Bylaw 14.2.5.2.3.1 (Hardship Waiver- Denominator in Percent Computation).** The committee discussed Bylaw 14.2.5.2.3.1 specific to the sport of indoor and outdoor track and field and the denominator in the hardship waiver computation. The committee reviewed the legislative referral from the NCAA Division II Legislation Committee specifying that the denominator for indoor track and field should be nine and the denominator for outdoor track and field should be nine. The

committee determined no legislative change was necessary at this time given concerns that limiting the denominator to nine in both sports could negatively impact a student-athlete especially at institutions that only sponsor one of the two sports. However, the committee agreed further discussion was warranted on the topic and requested that staff gather data specific to institutions that sponsor both indoor and outdoor track and field and institutions that sponsor either indoor or outdoor track and field. The committee asked that the data collected focus on the reported number of dates of competition each institution completed during the 2009-10 and 2010-11 academic year as reported on the sports sponsorship and demographic form. The committee will review the data and continue with further discussions on the topic during their December 2011 meeting.

5. **Season-of-Competition Waiver – Competition While Eligible involving Coach’s Documented Misunderstanding.** The committee reviewed recent case precedent where an institution requested a season-of-competition waiver – competition while eligible based on a coach’s documented misunderstanding of the legislation for a student-athlete who did not remain eligible or a member of the team for the remainder of the season. The committee clarified that the legislation does not require the coach have an intent to redshirt the student-athlete for a waiver to be granted. Further the committee noted the student-athlete does not need to remain eligible or with the team for the remainder of the season for the waiver to be granted. Rather, the analysis is whether the student-athlete was eligible at the time of his or her participation and if the request meets the legislative requirements.
6. **Defining Participation Opportunities Within Extension Analysis.** During a year-by-year analysis within an extension request, the committee revisited whether a student-athlete who did not compete in a particular season had a participation opportunity when he or she could have competed in limited competition at some point during the season before or after an event occurred identified in the extension legislation as a “circumstance beyond the control of the student-athlete and the institution.” In situations when the limited competition could have occurred at the beginning of a season, the committee directed staff to apply a similar analysis to that used under the hardship waiver legislation to determine if the student-athlete had a denied participation opportunity. In cases where a student-athlete begins a season of competition incapacitated and is cleared to return to competition prior to the conclusion of the season, the year shall be deemed a denied participation opportunity when the student-athlete is cleared with 20 percent or less of the remaining regularly scheduled contests or dates of competition but does not return to competition.

7. **NCAA Bylaw 14.2.2.3 Ten-Semester/15-Quarter Rule Waiver Involving Misinformation.** The committee re-affirmed the guideline specific to 10-semester/15-quarter waivers involving misadvisement. The committee specified that in order for the waiver to be granted, the misadvice must come from an appropriate source at an NCAA institution and must be specific to NCAA legislation. The committee had significant discussion specific to whether the misadvice must occur during the student-athlete's last semester of eligibility or if the misadvice could occur at any point. The committee directed the staff to continue to provide flexibility when the misadvice occurs prior to the last semester of eligibility but to consider whether the institution had an opportunity to rectify the misadvice in semesters subsequent to its occurrence.
8. **Application of Fifty Percent Threshold in Withholding Conditions.** The committee reviewed the guideline and case precedent specific to the fifty percent threshold in withholding conditions. The committee approved the requirement that the ineligible competition must occur in the first half of the season of competition. The committee noted imposing a first half of the season requirement will effectively limit the student-athlete's impermissible competition rather than allowing the impermissible competition to occur at any point during the season of competition. The guideline is effective for all competition occurring on or after August 1, 2011.
9. **Discussion of Suspension of Withholding Conditions Policy.** After discussion and review of the current policy involving requests for suspension of withholding conditions for student-athletes whose next contest is an NCAA championship or bowl contest, the committee agreed further discussion is necessary during the summer.
10. **Review of NCAA Division I, II and III Student-Athlete Reinstatement Policies and Procedures.** The committee reviewed and approved editorial updates to the policies and procedures including adding references to AMA Online. In addition, the staff reviewed the recusal policy.
11. **Review of the NCAA Division II Guidelines Document.** The committee reviewed and approved the current NCAA Division II Student-Athlete Reinstatement Guidelines document. The committee recommended the removal of the guideline related to the Business and Technology Education Council, Bylaw 14.2.2.3.1 given the transfer of the student-athlete to an NCAA institution must have occurred prior to the 2002-03 academic year. The committee noted the guideline is no longer applicable given any student-

athlete impacted by this guidelines likely would no longer have any time remaining on their 10-semester/15-quarter clock. In addition, the committee directed the staff to clarify the guideline specific to NCAA Bylaw 14.2.2.3.1 involving circumstances where a student-athlete is misadvised regarding the use of a semester. The committee noted the language specific to a coaching staff member not being deemed an appropriate institutional authority unless they have academic responsibilities should also include the language “or other compliance related duties”. The committee noted that a coaching member may not have academic responsibilities but may have compliance responsibilities and believed that in that instance, the coach should be considered an appropriate institutional authority.

- 12. 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. Staff noted the committee should share any feedback specific to the recommendations proposed within the White Paper with the student-athlete reinstatement staff which would be communicated to the NCAA Division II Membership Committee.
- 13. Review of NCAA Division II Strategic Plan and Governance Update.** The committee reviewed the NCAA Division II Strategic Plan including the two newly added priorities (Priority 4.9 and 4.10) and engaged in discussions specific to Priority 2.5 involving the Committee on Student-Athlete Reinstatement.
- 14. Future Meetings.** The committee established the following meeting dates and locations:
 - a. November 30 - December 1, 2011: Indianapolis.
 - b. May 23-24, 2012: Indianapolis.

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