ACTION ITEMS.

1. Legislative items.


     a. Recommendation. Amend legislative proposal No. 2017-2, to specify that the calculation of the maximum number of contests or dates of competition in which a student-athlete may participate and still be eligible for a hardship waiver or season of competition waiver – competition while eligible may be based only on Bylaw 17 maximums. An institution would no longer be permitted use its completed contests or dates of competition when calculating the 30 percent threshold for participation.

     b. Effective Date. August 1, 2017, for any incapacitating injury or illness, or other extenuating circumstance occurring on or after August 1, 2017.

     c. Rationale. Under current legislation, and as Proposal No. 2017-2 is currently written, an institution is permitted to use either completed contests or dates of competition or Bylaw 17 maximums when calculating the percentage of competition in which a student-athlete has participated. Permitting the use of completed events results in inequity across the division. Specifically, teams that advance to the conference championship or participate in certain exempt events (e.g. conference challenge events) could have a significantly higher denominator than institutions that do not. For example, a baseball team that does not advance to the conference tournament would be limited to a maximum of 50 contests (Bylaw 17 maximum) in the denominator. However, a baseball team that advances to the conference tournament, could participate in several more contests, which could increase the denominator making it easier for student-athletes to receive a waiver. Similarly, in some sports, institutions with larger budgets could have an advantage given they are able to schedule more contests and participate in more exempted events. Consistency in calculating the 30 percent is important and it is in the best interest of student-athlete well-being to amend legislative proposal 2017-2.

     d. Estimated Budget Impact. None.

     e. Student-Athlete Impact. Student-athletes will experience greater consistency in the availability of medical hardship and season of competition while eligible waivers.
2. Nonlegislative items.
   - None.

INFORMATIONAL ITEMS.

1. Review of NCAA Division II Bylaw 15 violations during 2015-16 academic year. The committee received an update and reviewed 2015-16 precedent for cases in which a student-athlete received an impermissible extra benefit in the form of financial aid. The committee instructed the reinstatement staff to continue applying the current guideline regarding receipt of extra benefits; however, the committee noted relief from repayment may be appropriate in limited circumstances based on mitigating factors. Finally, the committee directed the reinstatement staff to continue to assess student-athlete culpability when determining if a withholding condition is appropriate.

2. Review of Bylaw 16 violations, involving impermissible academic assistance and impermissible arrangement. The committee discussed circumstances involving impermissible academic assistance and impermissible arrangements in conjunction with the December 2014 committee guideline noting the reinstatement staff should begin its withholding analysis at 30 percent of a season-of-competition. Given the reinstatement staff has not yet processed a student-athlete reinstatement request of this nature, the committee reviewed an example of a fact pattern that would trigger a Bylaw 16.11.2.1 (general rule) violation involving impermissible academic assistance and discussed how the current guideline would apply. The committee directed the reinstatement staff to continue to monitor and track violations of this nature.

3. Review of Legislative Proposal Specific to Hardship Waivers (Bylaw 14.2.5) and Season-of-Competition waivers – competition while eligible (Bylaw 14.2.7). The committee reviewed a draft of legislative proposal No. 2017-2 and provided feedback to the staff.

4. Discussion of violations involving Initial Amateurism Certification (Bylaw 12.1.1.1.3) and Academic Certification (Bylaw 14.3.1). The committee reviewed case precedent involving violations where student-athletes compete prior to receiving initial amateurism certification and/or academic certification. The committee noted the current guideline is suitable in these types of cases and additional relief from that guideline is not appropriate. The committee noted, while institutions have culpability for confirming student-athletes are otherwise eligible to compete, student-athletes also have culpability and the current guideline reflects the appropriate level of relief based on both parties’ culpability. The committee directed the reinstatement staff to archive three cases.
5. **Update of NCAA Amateurism Certification Process and other case data information.** The reinstatement staff provided a summary of amateurism certification case decisions, including appeals heard by the committee, for the three previous calendar years (July 1, 2012, to present). The committee approved editorial revisions to the guidelines.

6. **Review committee guideline for violations involving competition while enrolled in a less than full-time program of studies.** The committee modified its guideline to reflect the evolving landscape of academic enrollment and curriculum patterns.

7. **Review of Medical Documentation Standards for Hardship Waiver Appeals and Extension Requests.** The committee reviewed current legislated medical documentation requirements and supported current legislation requiring contemporaneous medical documentation and diagnosis from a treating physician. The committee noted the reinstatement staff should have continued flexibility on a case-by-case basis (i.e., cases involving diagnosis by a nurse practitioner or physician assistant). Additionally, the committee supported further research and collaboration with the NCAA Committee on Competitive Safeguards and Medical Aspects of Sport regarding non-physician practitioners diagnosing season-ending injuries or illnesses.

8. **Review of Reinstatement Guidelines.** The committee reviewed and approved editorial revisions to the NCAA Division II Committee on Student-Athlete Reinstatement Guidelines, including the notation that for all drug tests administered on or after August 1, 2016, it is no longer necessary for the eligibility of a student-athlete to be restored by the Committee after he or she has fulfilled a drug-testing penalty and has tested negative.

9. **Review of Flexible Case Decisions.** The committee reviewed reinstatement staff decisions for which the reinstatement staff provided relief from established case precedent and/or committee guidelines or where no case precedent existed.

10. **Review of Reinstatement Policies and Procedures.** The committee reviewed and approved editorial revisions to the NCAA Divisions I, II and III Committees on Student-Athlete Reinstatement Policies and Procedures.

11. **Division II Strategic Plan, Foundation for the Future Initiative, Governance Update and GOALS review.** The committee received an update on the 2015-16 Division II Priorities. In addition, NCAA staff noted 5.7 million dollars were allocated under the Foundation for the Future Initiative which included 10 approved initiatives. Finally, NCAA Research staff reviewed data from the GOALS survey.

12. **Continuing Education.** Susan Britsch, assistant director of academic and membership affairs, reviewed the Path to Graduation academic requirements with the committee.

13. **Division II Summary of Legislative Actions.** The committee received an update on recently adopted legislation relevant to student-athlete reinstatement.
14. **Litigation Update.** NCAA Deputy General Council provided an update regarding litigation involving the Association.

15. **Other Business.**

- The committee changed its conference call day to Wednesday’s at 11:00 a.m (EST).

16. **Future Meetings.** The committee established the following future meeting dates and locations:

   a. November 30-December 1, 2016, Indianapolis; and

   b. May 2-3, 2017; Indianapolis.

Committee Chair: Joel Isaacson, Michigan Technological University, Great Lakes Intercollegiate Athletic Conference

Staff Liaison(s): Danielle Teetzel, Academic and Membership Affairs
                Jess Rigler, Academic and Membership Affairs
                Payton Williams, Academic and Membership Affairs

| NCAA Division II Committee on Student-Athlete Reinstatement                      |
| May 17-18, 2016, Meeting                                                       |
| Attendees:                                                                   |
| Corbin Greening; Henderson State University; Great American Conference.       |
| Joel Isaacson, Michigan Technological University; Great lakes Intercollegiate |
| Athletic Conference.                                                          |
| Daniel Mara, Central Atlantic Collegiate Conference.                          |
| Carol M. Rivera, California Collegiate Athletic Association.                  |
| Andre Roach, Shorter University, Central Intercollegiate Athletic Association.|
| Scott Swain, Notre Dame College (Ohio), Mountain East Conference.             |

Absentees: Vonnick Boyogueno, Clark Atlanta Univeristy, Southern Intercollegiate Athletic Conference.

**Other NCAA Staff Members in Attendance:**

Lydia Bell, Susan Britsch, Amanda Conklin, Tom Paskus, Stephanie Quigg-Smith, Greg Sommers.