



NCAA Division II Academic Requirements Committee
Directive Regarding the Standard of Review of
Progress-Toward-Degree Waivers

1. Background.

The Division II Academic Requirements Committee (“committee”) drafted this directive to provide guidance to the academic and membership affairs staff and the Division II Academic Requirements Committee Subcommittee on Progress-Toward-Degree Waivers (“subcommittee”) as outlined below, with the understanding that both entities may use discretion in the application of this directive. Further, exceptions to this directive may be applied by the staff, and/or the subcommittee, when warranted by the circumstances of a specific case.

This directive is now reviewed and updated annually by the committee.

2. Guiding Principles.

Institutions seeking a progress-toward-degree waiver on behalf of a student-athlete for relief of Division II Bylaws 14.4.1.1 (exchange student), 14.4.3.2 (term-by-term credit hour requirement), 14.4.3.3 (credit hours earned during the regular academic year), 14.4.3.4 (annual credit hour requirement), 14.4.3.5 (fulfillment of minimum grade-point average requirement) 14.1.7.1.7.3.1 (practice or competition – postseason), 14.5.5.3.9-(b) (one-time transfer exception – good academic standing and meeting progress-toward-degree requirements at the previous institution) and/or 14.5.5.3.9-(d) (one-time transfer exception – earned an average of 12 semester/quarter hours for each full-time term of attendance with a minimum 2.000 grade-point average) must present evidence of compelling mitigating circumstances along with a reasonable expectation for the student-athlete to recover academically for the waiver request to be granted. Requests to waive a good academic standing deficiency will not be considered unless the student-athlete has exhausted all available appellate processes and was previously denied due to procedural issue (e.g., unable to attend appeal in person). Such waivers will be reviewed under the presumption of a good-faith effort on the part of the student-athlete and his or her institution toward completion of the student-athlete’s collegiate degree within five years of the student-athlete’s full-time enrollment, unless and until circumstances surrounding the waiver request indicate otherwise.

The subcommittee will also administer waivers under Bylaw 14.4.3.10 for any student-athlete who participates in the Olympic Games, 14.4.3.11 for any student-athlete with an education-impacting disability and 14.4.3.12 for any other circumstance that warrants a waiver of the progress-toward-degree legislation as determined by the subcommittee. Additionally, institutions seeking a waiver of full-time enrollment for a student-athlete pursuant to Bylaw 14.1.7.1.8 (waivers of the 12-hour requirement for practice or competition) must present evidence of specific mitigating circumstances, as outlined by the legislation, along with a reasonable expectation for the student-athlete to maintain appropriate academic progress as dictated by progress-toward-degree legislation for the waiver request to be granted. Such waivers will be reviewed under the presumption of a good-faith effort on the part of the student-athlete and his or her institution toward completion of the student-athlete’s collegiate degree

within five years of the student-athlete's full-time enrollment, unless and until circumstances surrounding the waiver request indicate otherwise.

3. Minimum Review Standard.

The staff/committee/subcommittee will not consider a waiver request submitted on behalf of a student-athlete if that student-athlete's eligibility for competition and/or athletically related financial aid will not be directly affected by the outcome of the waiver decision.

Specifically, the student-athlete must have exhausted his or her options for rectifying the deficiency and must be enrolled at the certifying institution or have enrollment immediately pending (i.e., immediately preceding term has been completed and enrollment at the certifying institution is imminent).

4. Mitigating Circumstances.

a. Circumstances that may be considered as compelling mitigation and supported by objective documentation shall include, but are not limited to, the following:

(1) Personal hardship.

(a) Situations clearly supported by contemporaneous documentation, which indicate that the student-athlete was unable to meet the progress-toward-degree requirement as a result of significant physical or mental circumstances suffered by the student-athlete, a close family member or others on whom the student-athlete is dependent;

(b) Extreme financial difficulties as a result of a specific event (e.g., layoff, death in the family) experienced by the student-athlete or by an individual on whom the student-athlete is legally dependent, which prohibits the student-athlete from completing the progress-toward-degree requirement(s). The circumstances must be clearly supported by objective documentation (e.g., decree of bankruptcy, proof of termination) and must be beyond the control of the student-athlete or the individual on whom the student-athlete is legally dependent; and

(c) Natural disasters (e.g., earthquakes, floods).

(2) Restrictive-degree programs.

(3) Restrictive transfer.

(4) Change of degree.

- (5) Education-impacting disability.
 - (6) Misadvisement or lack of advisement (note that the staff is required to notify the faculty athletics representative, compliance officer and athletics director, while copying the chancellor or president, of an institution in which misadvisement or lack of advisement is determined to be the mitigation that impacted the student-athlete's ability to meet an academic requirement).
 - (7) Participation in athletics activities as defined by Bylaw 14.2.4.2.2.2 (national/international competition exception).
 - (8) Other unforeseen events and/or circumstances beyond the student-athlete's control.
- b. Circumstances that will not be considered as compelling mitigation may include, but are not limited to, the following:
- (1) Unreasonable reliance by a student-athlete on misinformation from an institutional staff member (e.g., misadvisement) unless accompanied by the documented assertion of misadvisement; or
 - (2) Failure to follow an academic recovery plan submitted with a previously approved waiver of the progress-toward-degree requirements (which left the student-athlete deficient for future eligibility certification).

5. Documentation.

Institutions are required to provide the following supporting documentation with waiver requests.

- a. Standard documentation (to be provided unless staff indicates otherwise).
- (1) An accurately completed progress-toward-degree waiver application submitted via the Request/Self-Report Online Case Management System;
 - (2) Letters or statements from the institution and student-athlete explaining the reasons for the deficiency;
 - (3) Evidence of the compelling mitigating circumstance(s) supporting the waiver request;
 - (4) A copy of the student-athlete's current official transcript and copies of official transcripts from any previous institutions (print-screen transcripts will not be accepted); and

- (5) An academic recovery plan, designed by the applicant institution, that demonstrates how the student-athlete's individual efforts, course schedule planning (including consideration of academic- and athletics-related time demands) and use of academic resources (including appropriate accommodations for any education-impacting disability) will allow him or her to overcome academic-eligibility deficiencies. An acceptable academic recovery plan also will demonstrate that the student-athlete is able to graduate within five years of initial full-time enrollment and should include term-by-term scheduling of courses to the greatest extent possible. The plan must be signed by both the student-athlete and an institutional representative with academic oversight for the student-athlete.
 - b. To be provided if needed or requested by staff to support waiver request.
 - (1) Description of the designated degree as found in the academic catalog;
 - (2) Degree audit indicating degree-applicable courses; and
 - (3) Current course enrollment list or schedule.
 - (4) For waivers related to student teaching, internships or other required work experience, written documentation from an academic authority (e.g., departmental advisor) indicating the work experience is the final requirement for the student-athlete's degree program and all other requirements have been completed. For example, the student-athlete has six hours remaining in the spring term prior to completing their student teaching during the fall term and has completed all applicable state required tests prior to the teaching experience.
6. Guidelines for Consideration.
- a. Personal hardship.
 - (1) Documentation confirming the hardship event or circumstances;
 - (2) Documentation linking the hardship event or circumstances to the term in which the academic requirement was not met;
 - (3) Clarification that the event or circumstance has been resolved or accommodated to the point that it will no longer impact the student-athlete's ability to be academically successful; and
 - (4) Evidence that demonstrates that it is reasonable to believe that but for the

medical condition or event, the student-athlete would have been academically eligible.

b. Restrictive-degree programs.

- (1) Documentation of the degree program requirements that restrict the student-athlete's ability to meet the progress-toward-degree requirement (e.g., course sequencing, block scheduling).
- (2) Documentation of the institutional policy impacting the student-athlete's ability to meet the requirements that would otherwise be degree applicable. Should the issue actually be the student-athlete's poor academic performance, restrictive-degree program is probably not the mitigation to consider. Instead the staff will request mitigation that impacted the student-athlete's academic record.
- (3) Evidence that demonstrates that it is reasonable to believe that but for the restrictive nature of the academic program, the student-athlete would have been academically eligible.

c. Restrictive transfer.

- (1) Evidence of when the student-athlete's recruitment began;
- (2) Documentation of any institutional policies impacting the student-athlete's ability to transfer credit hours that would otherwise be degree applicable. Should the issue actually be the student-athlete's poor academic performance, restrictive transfer is probably not the mitigation to consider. Instead the staff will request mitigation that impacted the student-athlete's academic record;
- (3) Clarification that the institution is not requesting a waiver of its own transfer policy. Failure to know or understand the policy typically results in a case of misadvisement on the part of the institution, which requires the inclusion of an institutional recovery plan demonstrating how such mistakes will be avoided in the future;
- (4) Evidence of whether or not the student-athlete could have been eligible in a different degree program; or
- (5) Evidence that demonstrates that it is reasonable to believe that but for the restrictive transfer issue, the student-athlete would have been academically eligible.

- d. Change of degree.
 - (1) Documentation of the degree program change;
 - (2) Documentation that the student-athlete was eligible in the previous degree program so that it is clear the change in programs was not made for eligibility purposes only; and
 - (3) Evidence that demonstrates that it is reasonable to believe that but for the degree program change, the student-athlete would have been academically eligible.

- e. Education-impacting disability.
 - Full and complete documentation of the student-athlete's education-impacting disability including.
 - (a) Current, signed documentation of the diagnosis (including test data) and/or recommendations from the treating professional (e.g., medical doctor, clinical psychologist, other qualified individual). If specific circumstances of the case indicate that this requirement is unnecessary, a prior diagnosis may be acceptable. (Note: The staff or subcommittee reserves the right to request a second opinion or diagnosis);
 - (b) Copy of the student-athlete's Individual Education Plan or Section 504 Plan, if applicable;
 - (c) Contemporaneous medical documentation provided by an individual who is qualified and licensed to diagnose and treat the particular impairment (e.g., psychiatrist, psychologist) must be submitted on behalf of the student-athlete with a mental health disorder (e.g., depression, anxiety, posttraumatic stress disorder);
 - (d) If the student has voluntarily disclosed his or her diagnosed disability to the institution's office of disability services, documentation (letter on office of disability services letterhead) verifying the student-athlete's disability;
 - (e) A written copy of the institution's policies and curriculum guidelines applicable to all students with education-impacting disabilities;
 - (f) If the student-athlete has voluntarily disclosed to the office of disability services, documentation of the specific accommodations granted to provide access to the student-athlete. This summary must include

accommodations provided by the institution with respect to the student-athlete's disability, as well as academic and other support services provided and any institutional accommodations related to adjustments of minimum performance requirements. If the institution offers any accommodations with respect to the student-athlete's athletics responsibilities, those should be indicated as well;

- (g) Statement on the use of said accommodations in the student-athlete's academic recovery plan;
 - (h) An institution filing a progress-toward-degree waiver for a student-athlete with an education-impacting disability must identify if it previously filed a disability initial-eligibility waiver request for the same student-athlete. If the institution previously submitted a disability initial-eligibility waiver request for the student-athlete, the institution must provide a summary of the support services and/or accommodations for which the student-athlete was approved. The institution should also indicate which accommodations the student-athlete has used at the institution. If the support services and/or accommodations provided differ from the support services and/or accommodations that were described in the student-athlete's initial-eligibility waiver request, the institution must provide a written statement explaining why the support services and/or accommodations changed. If the student-athlete did not use any support services and/or accommodations, the institution must provide a statement explaining why the student-athlete did not use available support services and/or accommodations;
 - (i) Evidence that demonstrates that it is reasonable to believe the impact of the disability was such that the student-athlete would have otherwise been academically eligible; and
 - (j) Written statement from the student-athlete that addresses the impact of the diagnosed disability on his or her academic performance.
- f. Misadvisement or lack of advisement.
- (1) Documented misadvisement, typically a written statement of explanation from the person or persons responsible for providing erroneous information or the individual's supervisor. This statement must summarize the information given to the student-athlete. In the event the responsible individual is unavailable to submit a statement, the institution must submit a statement from the individual's supervisor including an explanation as to why the responsible individual could not provide a statement (e.g., no longer employed, etc.). If

available, the institution should include contemporaneous documentation demonstrating misadvice (e.g., notes, phone logs);

- (2) A written statement from the student-athlete in question demonstrating whether the student-athlete, in good faith, relied on the erroneous information to his or her detriment. The statement should include a chronology of events;
- (3) Clear evidence that the student-athlete's deficiency was the result of his or her reliance on the misadvisement or the lack of advisement and that but for the misadvisement or lack of advisement, it is reasonable to determine that the student-athlete would have satisfied the progress-toward-degree requirement;
- (4) A written statement from the institution regarding its actions to educate the student-athlete about the progress-toward-degree requirements;
- (5) A reasonable institutional recovery plan to avoid a similar situation occurring in the future. Such a plan should include educational initiatives to be conducted by the institution relative to the student-athlete and/or the personnel who have a role in providing academic advisement to student-athletes. In addition, the plan should contain corrective actions to ensure that all student-athletes will receive proper academic advisement relative to the evaluation of each student-athlete's degree program and course selection and the evaluation of the student-athlete's transcript and degree audit to ensure courses are acceptable for satisfying the progress-toward-degree requirements. The plan must be signed by the athletics director, the faculty athletics representative and the athletics staff member with academic oversight of student-athletes, as well as any additional staff member impacted by the plan (registrar, director of admissions, head coach, etc.); and
- (6) Evidence that demonstrates that it is reasonable to believe that but for the misadvisement, the student-athlete would have been academically eligible.

g. Transfers with progress-toward-degree deficiencies from the previous institution.

Waivers for transfer student-athletes who do not meet the nine-hour requirement in Bylaw 14.4.3.2.1 (application of rule to transfer student) shall be reviewed under the general principle of this directive which requires compelling mitigating circumstances for the waiver request to be granted.

However, if the student-athlete presents no compelling mitigating circumstances, staff has the authority to approve a waiver that meets the first two criteria below after a thorough review of the case and consideration of the additional review factors.

- (1) The student-athlete did not compete in intercollegiate competition during the term in which the deficiency occurs; and
 - (2) The student-athlete withdraws from the institution within 14 days of initial enrollment at the institution.
- h. Additional review factors.
- (1) The overall academic record of the student-athlete, with particular emphasis in the analysis placed on any previous collegiate coursework.
 - (2) Documentation from the previous institution that the institution supports the waiver request.
7. Less Than Full-Time Enrollment (Education-Impacting Disability).

The staff is granted the authority to approve requests for less than full-time enrollment (not less than nine credit hours) due to an education-impacting disability based on a review of the following information:

- a. Full and complete documentation of the student-athlete's education-impacting disability including.
 - (1) A current (new or updated within the past three years) diagnosis of the disability, including the results of specific measures or tests that formed the basis of the diagnoses. If specific circumstances of the case indicate that this requirement is unnecessary, a prior diagnosis may be acceptable. (Note: The staff or subcommittee reserves the right to request a second opinion or diagnosis.);
 - (2) A copy of the student-athlete's last Individual Education Plan, if applicable; and
 - (3) Contemporaneous medical documentation provided by an individual who is qualified and licensed to diagnose and treat the particular illness (e.g., psychiatrist, psychologist) must be submitted on behalf of student-athletes with psychological or mental health issues (e.g., depression, bipolar disorder).
- b. Documentation that the disability is recognized by the institution's office of disability services;

- c. Written documentation from an appropriate institutional authority that the institution has defined the student-athlete's full-time enrollment to be less than 12 hours to accommodate for the student-athlete's education-impacting disability;
- d. An academic recovery plan demonstrating that the course-load reduction will not create a future academic deficiency; and
- e. Note that requests for enrollment in less than nine credit hours must be made directly to the subcommittee.

8. Less Than Full-Time Enrollment (International Competition).

The staff is granted the authority to approve requests for less than full-time enrollment due to participation in international competition outlined in Bylaw 14.1.7.1.8.3 (practice or competition – Olympic Games, Pan American Games, World Championships, World Cup, World University Games or World Youth Championships) based on a review of the following information:

- a. A letter of invitation from the sport's national governing body indicating the student-athlete has been selected to participate in the event; and
- b. Documentation indicating that the student-athlete's participation will not cause additional academic deficiencies.

9. Less Than Full-Time Enrollment (Other).

The staff is granted the authority to approve requests for less than full-time enrollment (not less than nine credit hours) based on a review of the following information:

- Documented compelling mitigating circumstances surrounding the waiver request (Section No. 5).
 - (1) An academic recovery plan demonstrating that the course-load reduction will not create a future academic deficiency;
 - (2) Documentation that supports the reason for the request is outside of the control of the student-athlete (e.g., institutional policy);
 - (3) For waivers related to student teaching, internships or other required work experience, written documentation from an academic authority (e.g., departmental advisor) indicating the work experience is the final requirement for the student-athlete's degree program, the work experience is sequential to completing all required coursework and all other requirements have been completed. For example, the student-athlete has six hours remaining in the

spring term prior to completing their student teaching during the fall term, is unable to enroll in the student teaching requirement until all coursework has been successfully completed and has completed all applicable state required tests prior to the teaching experience.

- (4) Case precedent as established by the subcommittee; and
- (5) Note that requests for enrollment in less than nine credit hours with mitigating circumstances as listed above must be made directly to the subcommittee. The subcommittee also hears cases in which there is no case precedent related to the included mitigation but will not approve waiver requests if circumstances are clearly within control of the student-athlete.

10. Staff Decisions.

- a. **Approvals.** The staff is granted the authority to approve or conditionally approve waivers of the progress-toward-degree requirement(s) based on a review of some or all of the following information:
 - (1) The size of the deficiency. The staff should consider how close the student-athlete is to meeting the academic requirement;
 - (2) The student-athlete's overall academic record;
 - (3) A reasonable academic recovery plan, signed by both the student-athlete and an institutional representative;
 - (4) Documented compelling mitigating circumstances surrounding the waiver request (Section No. 5) and evidence that it is reasonable to determine that but for the mitigation, the student-athlete would have met the academic requirement; and
 - (5) In cases in which change of degree is cited as mitigation, if the above guidelines are met, and the student-athlete was academically eligible in the previous degree, and the student-athlete has a grade-point average of 3.0 or higher, the staff is to approve those cases.
- b. **Denials.** The staff is granted the authority to deny waivers of the progress-toward-degree requirement(s) based on a review of some or all of the following information:
 - (1) The absence of documented mitigating circumstances surrounding the waiver request (Section No. 5);

- (2) The staff concludes that based on the student-athlete's overall academic record, it is not reasonable to determine that but for the mitigation, the student-athlete would have met the academic requirement;
- (3) Any previous reviews of the student-athlete's academic progress through the progress-toward-degree waiver process, including the student-athlete's history of following an academic recovery plan;
- (4) Clear case precedent warranting denial of the appeal; and
- (5) In cases in which education-impacting disability is cited as mitigation and the student-athlete was provided the appropriate accommodations by the institution but elected not to use them, the staff is directed to deny.