REPORT OF THE
NCAA DIVISION II COMMITTEE ON STUDENT-ATHLETE REINSTATEMENT
NOVEMBER 30 – DECEMBER 1, 2016, MEETING

ACTION ITEMS.

1. Legislative items.

   a. **2018 NCAA Convention Legislation - Eligibility Ramifications -- Restitution For Receipt Of Improper Benefit - $100 to $200.**

      (1) **Recommendation.** Sponsor legislation for the 2018 NCAA Convention to increase from $100 to $200 the value of improper benefits for which restitution is required.

      (2) **Effective Date.** August 1, 2018.

      (3) **Rationale.** The restitution value has not been reviewed by the membership for approximately 10 years. Review of case data indicates an increase to $200 will decrease bureaucracy and increase efficiencies for the benefit of the NCAA Division II membership. This change will not eliminate the need to report an institutional violation to the NCAA Enforcement staff or request reinstatement if relief from repayment or an alternative reinstatement condition to repayment is requested (e.g., service learning).

      (4) **Estimated Budget Impact.** None.

      (5) **Student-Athlete Impact.** The eligibility of a student-athlete who receives an impermissible benefit of $200 or less may be restored upon repayment of the impermissible benefit without the need for reinstatement.

   b. **2018 NCAA Convention Legislation - Ethical Conduct- Sports Wagering Activities – Sanctions.**

      (1) **Recommendation.** Sponsor legislation for the 2018 NCAA Convention to eliminate the legislated penalty for sports wagering.

      (2) **Effective Date.** Immediate.

      (3) **Rationale.** The student-athlete reinstatement process offers the opportunity for the NCAA Division II Committee on Student-Athlete Reinstatement and NCAA student-athlete reinstatement staff to review cases on an individual
basis and consider the totality of the circumstances. For violations that trigger the legislated sports wagering sanctions, the minimum penalty is automatic and cannot be appealed. To promote increased fairness, the committee believes it is important to conduct a case-by-case review of these sports wagering violations and also provide for an appellate opportunity. Further, it is important to note that, if the proposal is adopted, the legislated sanctions will be incorporated into the Division II Student-Athlete Reinstatement guidelines, which would recognize the Association’s continued emphasis on the severity of sports wagering violations. Note: Bylaw 10.3.2 is a common provision across NCAA Divisions I, II, and III.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

2. Nonlegislative items.
   • None.

INFORMATIONAL ITEMS.


2. Review and Discussion of Pre-Enrollment Amateurism Violations and Associated Guidelines. The committee reviewed a sampling of case precedent where the Division II pre-enrollment amateurism guidelines were applied and affirmed the current guidelines. The committee engaged in further discussion specific to the guideline associated with receipt of prize money following initial full-time enrollment at a non-NCAA institution. The committee determined the following information is relevant when processing violations that occur while a prospective student-athlete is not enrolled full-time: (1) expenses associated with the prospective student-athlete’s participation in events where he or she received prize money; and (2) number of contests in which the prospective student-athlete participated and received prize money. The committee believes this information is crucial and requests the amateurism certification process (ACP) staff gather and provide this information to the reinstatement staff as part of its review.

3. Review and Discussion of Competition with Professionals Subsequent to Full-Time Enrollment at a Non-NCAA Institution. The committee discussed the current pre-enrollment amateurism guidelines specific to competition with professionals subsequent to enrollment at a non-NCAA institution. The committee recommended a modification to the guideline to address violations that occur while the prospective student-athlete is not enrolled...
or is enrolled part-time when the impermissible competition occurs. The committee directed the reinstatement staff to assess the number of contests or dates of competition in which the prospective student-athlete participated. If, during each calendar year(s) of participation, the prospective student-athlete participated in 20 percent or less of the maximum contests or dates of competition permitted in Bylaw 17 in his or her sport, a one-for-one withholding condition applies for each contest in which the prospective student-athlete participated impermissibly. The effective date for this guideline change is April 1, 2017, for any eligibility certifications taking place on or after that date.

4. **Contemporaneous Medical Documentation Standards.** The reinstatement staff provided the committee with an update specific to the review of medical documentation standards used to review medical hardship waivers. The committee reviewed physician feedback from the NCAA Committee on Competitive Safeguards for Medical Aspects of Sports (CSMAS) specific to noncontemporaneous medical documentation from a physician supported by contemporaneous documentation from a non-physician medical practitioner and considered whether licensed “physician extenders” operating under the direction or supervision of a licensed physician (e.g., nurse practitioner, physician assistant) may be the primary providers of medical documentation. The committee requested CSMAS provide feedback on a potential legislative change which would allow only physicians, nurse practitioners, and physician assistants to be primary providers of medical documentation.

5. **Review of NCAA Divisions I, II and III Committees on Student-Athlete Reinstatement Philosophy.** The committee discussed and amended the current Student-Athlete Reinstatement Philosophy to further articulate its focus on fairness and student-athlete well-being, while maintaining the students-first philosophy throughout the student-athlete reinstatement process. The committee requested the reinstatement staff include the revised philosophy statement in both the policies and procedures and divisional guidelines documents.

6. **Review of Reinstatement Guidelines.** The committee reviewed and approved editorial revisions to the NCAA Division II Committee on Student-Athlete Reinstatement Guidelines.

7. **Division II Strategic Plan, Foundation for the Future Initiative, and Governance Update.** The committee reviewed the Division II priorities for the 2016-17 academic year and received an update on the initiatives that received funding from the Foundation for the Future Initiative. In addition, the committee received an update on the Division II Strategic Plan.

8. **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.
9. **Summary of Cases Reviewed by Reinstatement Staff and Appeals Heard by the Committee.** The committee received a summary of reinstatement cases and waivers processed, and a summary of appeals heard by the committee for the period of July 1, 2015, to June 30, 2016. The reinstatement staff also provided a summary of amateurism certification case decisions, including appeals heard by the committee, for the five previous calendar years (July 1, 2012, to present).

10. **Continuing Education.** The reinstatement staff provided the committee with education specific to crowdfunding.

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

12. **Other Business.** The committee reviewed two cases involving the provision of impermissible academic assistance where a Bylaw 16.11.2.1 occurred and affirmed the guideline related to these types violations.

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

   a. May 2-3, 2017, Indianapolis; and

   b. December, 2017; Indianapolis.

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

*Staff Liaisons:* Danielle Teetzel, Academic and Membership Affairs
   Jess Rigler, Academic and Membership Affairs
   Payton Williams, Academic and Membership Affairs

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**NCAA Division II Committee on Student-Athlete Reinstatement**

**November 30 – December 1, 2016, Meeting**

**Attendees:**
- Vonnick Boyogueno, Clark Atlanta University; Southern Intercollegiate Athletic Conference
- Joel Isaacson, Michigan Technological University; Great Lakes Intercollegiate Athletic Conference.
- Daniel Mara, Central Athletic Collegiate Conference.
- Carol M. Rivera, California Collegiate Athletic Association.
- Scott Swain, Notre Dame College (Ohio), Mountain East Conference

**Other NCAA Staff Members in Attendance:**
- Chris Brown, Amanda Conklin, Maritza Jones, Angela Tressel