DIVISION I
STUDENT-ATHLETE REINSTATEMENT
AND LEGISLATIVE RELIEF

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Overview

- NCAA Division I Legislative Council Subcommittee for
  Legislative Relief Overview.
- Subcommittee for Legislative Relief Case Studies.
- NCAA Division I Committee on Student-Athlete Reinstatement
  Overview.
- Committee on Student-Athlete Reinstatement Case Studies,
  including use of Temporary Review lens.

Subcommittee for Legislative Relief (SLR)
### Authority

- Established to provide flexibility with regard to NCAA legislation.
- No other specified staff or committee.
- May seek guidance from other committees.
- Cannot waive violations.
- Approximately 1,500 legislative relief waivers filed in 2013 (Divisions I, II and III combined).

### What Should Be Submitted?

- Completed SLR waiver submission via RSRO.
  - Buckley Statement.
- Complete set of facts/chronology.
- Legible official transcripts.
- Supporting documentation submitted in writing.
- Prohibitive bylaw(s) cited.
- SLR case precedent.

### Analysis

- Extenuating or extraordinary circumstances.
- SA well-being.
- Intent of legislation.
- Recruiting/competitive advantage.
- SLR case precedent.
Urgent Waivers and Phone Waivers

- For unforeseen events or circumstances.
- Institutions may call 317/917-6144 and indicate they have a potential SLR phone waiver request.
- Phone waivers do not eliminate the need to submit a waiver.

Best Practices

- Search SLR case precedent on LSDBi and RSRO. (See SLR website to view tips for searching precedent).
- Call 317/917-6144 to contact legislative relief staff about a pending waiver.
- File waiver at the time it is discovered that a waiver is necessary.

Temporary Review Process

- NCAA Division I Leadership Council granted staff authority in extenuating circumstances;
- To exercise reasonable discretion;
- When the outcome may have an inappropriate negative impact on the student-athlete or prospective student-athlete;
- To give additional consideration to mitigating factors that may justify departure from the established penalty or outcome.
Temporary Review Process
(Continued)

- Cases that involve:
  - Health and safety of a student-athlete;
  - Circumstances where a proscribed penalty would likely have a significant negative impact on student-athlete well-being;
  - Prospective or enrolled student-athlete who has served in active duty in the military or delayed enrollment due to religious mission(s);

- A potential significant withholding or application of the proscribed penalty is disproportionate or otherwise inconsistent with the intent of the legislation; and

- Nominal or inconsequential benefits to student-athletes.

* 4-4 transfers are not subject to the temporary review process.

4-4 Transfer Changes

- Student-athletes transferring for the 2015-16 academic year.
  - No longer seeking a waiver to transfer and compete immediately.
  - Seeking a potential sixth year on clock.
  - Extension analysis similar to current analysis for immediate eligibility.
Delayed Enrollment Case Studies

Delayed Enrollment Waiver No. 1

Facts

- Pharrell, a soccer student-athlete, graduated from high school in May 2011. SA’s grace year is 2011-12.
- March 2012, Pharrell went on a two-year church mission and returned in March 2014.
- April 2 and April 9, Pharrell played in what he believed to be pick up soccer games with his high school friends.
- Pharrell will enroll at Despicable College summer 2014.

Delayed Enrollment Waiver Request

- As a result of playing in two organized competitions after his grace year, Pharrell has been charged a season of competition and must serve an academic year in residence.
- Despicable College would like Pharrell to be immediately eligible and to retain the use of four seasons of eligibility.
Delayed Enrollment Waiver
Assertions

 Pharrell was required by his church to serve a two-year church mission prior to turning 20-years old.
 Pharrell had no idea playing “shirts and skins” soccer matches with some friends would cost him a season of eligibility.
 Pharrell played in the games because it made him happy and seemed like fun.
 No one at Despicable College ever informed Pharrell that he should not compete on returning from his mission.

Delayed Enrollment Waiver Outcome

 Starting point: 1-for-1 withholding.
 Mitigating factors could reduce to no penalty.
   Reason for delay.
   Level of competition.
   Number of competitions.
   Chronology.

Delayed Enrollment Waiver
Alternative Facts

 From April to June Pharrell competed in eight contests in an indoor, co-ed soccer league.
 Pharrell wasn’t required to go on a mission but chose to go in order to “broaden his horizons.”
 Pharrell returned in October but felt that it was too soon to enroll in college in January and wanted more time to return to normalcy in the states.
4-4 Transfer Case Study

Transfer Waiver Facts

- 2013-14: Anna, a basketball student-athlete, enrolled at Elsa Institute, a four-year institution.
- March 20, 2014: Anna’s mother tells her that she is “sick” and needs her to come home.
- 2014 fall term: Anna will enroll at Frozen University.

Transfer Waiver Request

- Frozen University would like Anna to be immediately eligible for competition for the 2014-15 academic year.
- However, as a 4-4 transfer in the sport of basketball, Anna is unable to use any transfer exception and must serve an academic year in residence.
Transfer Waiver Assertions

- Anna’s mother is diagnosed with Stage III breast cancer.
- Anna will be the primary caretaker and transport her mother to all doctor visits and chemotherapy treatments.
- Elsa Institute is 460 miles from home. Frozen University is 8.7 miles from Anna’s home.
- Anna is meeting all PTD requirements and is otherwise academically eligible to compete.

Transfer Waiver Outcome

- Approve or Deny?
- 2015-16 Analysis?

Student-Athlete Reinstatement (SAR)
Student-Athlete Reinstatement Overview

- Mission.
- Philosophy.
- Case Types.
- Case Studies.
- Key Takeaways.

Student-Athlete Reinstatement: Mission

- To keep the student-athlete (SA) at the forefront of each decision; and
  - Maintain consistency and fairness in process.

Student-Athlete Reinstatement: Philosophy

- Place SA back into the position he/she would have been had the violation not occurred. 
  - Completed through:
    - Repayment of value of impermissible benefit.
    - Withholding.
    - Reinstated without condition.
Student-Athlete Reinstatement: Case Types

- Violations:
  - Student-athlete eligibility affected.

- Waivers:
  - Extensions.
  - Season-of-competition waivers: Competition while eligible.
  - Season-of-competition waivers: Competition while ineligible.
  - Hardship waiver appeals.
  - Athletics activities waivers.

Student-Athlete Reinstatement Case Studies

Student-Athlete Reinstatement Case Study No. 1: Violation

- Over two-year period, director of dining services (director) at Convenience U. provided benefits to numerous SAs.
- Benefits included tickets to NFL games, transportation, meals and lodging.
- The value of benefits received were less than $100 for all but two basketball SAs.
- Does Convenience U. need to seek reinstatement for the SAs who received benefits valued at less than $100?
Student-Athlete Reinstatement Case Study: Violation (cont.)

- Director was employed at Convenience U. for 20 years.
- He had served as clock operator and academic-athletic fellow for basketball team.
- SAs Mike and Ike stated they had a relationship outside of basketball as they had both worked for director in dining services during their first year on campus.

On one occasion in 2012, director had an extra ticket to an NFL game and asked Mike if he wanted to attend.
- Mike asked director if it would be permissible and director said Yes, as long as Mike paid $5.
- Mike received ticket ($120) and round-trip transportation ($18.83) to the game.

During 2013, director took Mike and Ike to an NFL game and provided transportation.
- Again, both SAs asked director if permissible and director said Yes, as long as they paid $5.
- Mike and Ike received ticket ($120) and round-trip transportation ($14.13) to the game.
During 2014, Mike received two free rides to airport from director ($30) and used director's car on five occasions ($75).

In total, Mike accepted $377.96 and Ike accepted $134.13 in impermissible benefits from director.

What type of violation is this?

Are the Division I Committee Guidelines instructive?

Student-Athlete Reinstatement Case Study: Violation (cont.)

SAR Committee Guidelines
Extra Benefits

- Benefit ranges from greater than $100 to $400.
  - witholding of 10 percent and repayment.

- Benefit ranges from greater than $400 to $700.
  - witholding of 20 percent and repayment.

- Benefit ranges greater than $700.
  - witholding of 30 percent and repayment.

Based on the Committee Guidelines, both Mike and Ike would be starting at 10 percent withholding of the basketball season (nine contests) and repayment to a charity of their choices.

What would you do?

What did staff do?
Case Study No. 2: Season of Competition Waiver - Competition While Eligible

- Women’s basketball SA Ivanna Play initially enrolled fall 2009 at Tough Choice U.
- SA competed 2009-10 basketball season.
- Prior to the 2010-11 season, Ivanna thought about transferring due to a coaching change, but decided to stay.
- Ivanna competed 2010-11 basketball season.

Case Study: SOC - CWE (cont.)

- Entering 2011-12 season, Ivanna again was thinking about transferring.
- After participating in a closed scrimmage, she decided to transfer.
- Ivanna spoke with former assistant coach at Tough Choice U.

Case Study: SOC-CWE (cont.)

- Former assistant coach Mae B. Rong told Ivanna she did not use a season because she competed in a closed scrimmage.
- Ivanna did not speak with compliance staff or Tough Choice U.’s current coaching staff regarding her participation in the closed scrimmage prior to her decision to transfer.
- Tough Choice U. is not asserting coach’s documented misunderstanding.
Student-Athlete Reinstatement Case Study: SOC – CWE (cont.)

- Would you grant Ivanna Play a waiver to regain the season?

- What did staff do?

Temporary Review Process

- Do we all understand what this means, especially in Student-Athlete Reinstatement?

Student-Athlete Reinstatement Case Study: SOC – CWE (cont.)

- So, in Ivanna’s case, would the SOC-CWE be granted through the Temporary Review lens?
Student-Athlete Reinstatement
Case Study No. 3: Extension

- 2008-09: Football SA Nomar Thyme did not compete. He was on team but was redshirted.
- 2009-10: Nomar was not enrolled. He began his official religious mission November 4, 2009.
- 2010-11: Nomar was not enrolled because he was still on his mission.
- Fall 2011: Nomar was not enrolled. He returned from his mission November 8, 2011.

Spring 2012: On return from mission, Nomar enrolled at his first opportunity to do so - January 9, 2012.

Nomar’s five-year clock was suspended (tollied) for 796 total days.
- 2013-14: Nomar competed.
- 2014-15: Nomar intends to compete.

Fall 2015: Nomar intends to compete. After adding 796 days to his initial five-year period of eligibility, his clock will expire November 6, 2015.

There will be three contests remaining in the 2015 football season.

Nomar would like an extension to complete the season.
Student-Athlete Reinstatement
Case Study: Extension

- Would you grant SA an extension?
- What did staff do?

Student-Athlete Reinstatement
Case Study: Extension

- Would the Extension be granted through the Temporary Review lens?

Student-Athlete Reinstatement:
Key Takeaways

- Use correct SAR Buckley Statement.
- Need all required signatures to submit request.
- Address all applicable questions in Requests/Self-Reports Online (RSRO), including enrollment/participation history and urgency.
- Do not enter SEE ATTACHED in the textbox.
- Include all relevant documents.
- Make sure to conduct a thorough precedent search in both LSDBi and RSRO.
- Need assistance? Call 317/917-6222 and ask for student-athlete reinstatement.