DIVISION II STUDENT-ATHLETE REINSTATEMENT AND LEGISLATIVE RELIEF TEAM
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OVERVIEW.
- Student-Athlete Reinstatement (SAR) Process.
- Commonly Used SAR Guidelines.
- Legislative Relief Team (LRT) Process.
- Commonly Used LRT Guidelines.
- Case Studies.
- Best Practices.
- Resources.

WHAT YOU WILL WALK AWAY WITH?
- Ability to identify appropriate SAR and LRT guidelines and directives.
- Effectively explain specific guidelines and directives to institutional constituents.
- Apply specific guidelines and directives to complex factual scenarios.
HOW WE WILL GET THERE?
- Identify the types of requests SAR and LRT have legislative authority over.
- Analyze potential issues in submitting SAR and LRT requests.

STUDENT-ATHLETE REINSTATEMENT

STUDENT-ATHLETE REINSTATEMENT PROCESS.
- An institution should seek reinstatement when:
  - The institution has confirmed a violation has occurred;
  - The violation affects the PSA's or SA's eligibility;
  - Division II Bylaws 10, 12, 13, 14, 15, 16 and 18.
  - The SA has eligibility remaining;
  - The institution would like the SA to participate.
SAR GUIDELINES.
- Developed by the Committee on Student-Athlete Reinstatement.
  - Reviewed twice per year during Committee meetings.
- Endorsed by Division II Management Council.
- Available online.
- Starting point for reinstatement conditions.

COMMONLY APPLIED SAR GUIDELINES.
- Division II Bylaw 14.1.7 (Full-time enrollment).
  - One-for-one withholding condition.
  - Relief may be appropriate if:
    - SA was continuing to attend class;
    - SA did not realize dropped below 12 credit hours;
    - SA made every effort to remain enrolled full-time.

COMMONLY APPLIED SAR GUIDELINES.
- Division II Bylaw 14.3 (Freshman Academic Requirements).
  - Subsequently certified as a Qualifier.
    - Relief from repayment of impermissible financial aid;
    - Relief from typical one-for-one practice withholding condition;
    - One-for-two withholding condition for each contest/date of competition SA competed in while ineligible.
      - Maximum penalty of 10 percent of Division II Bylaw 17 for that sport.
COMMONLY APPLIED SAR GUIDELINES. (CONT.)
- Division II Bylaw 14.3 (Freshman Academic Requirements).
  - Subsequently certified as a Partial-qualifier.
    - Relief from repayment of impermissible financial aid;
    - Relief from typical one-for-one practice withholding condition;
    - Either SA can sit next academic year in residence or a one-for-one withholding condition.
      - Maximum penalty of 50 percent of Division II Bylaw 17 for that sport.

COMMONLY APPLIED SAR GUIDELINES.
- Division II Bylaw 14.7 (Outside competition).
  - One-for-one withholding condition for each impermissible competition.
  - Following factors to consider when determining if relief is appropriate:
    - SA's responsibility;
    - Level of competition;
    - Timing of competition (e.g., during championship or nonchampionship season).

COMMONLY APPLIED SAR GUIDELINES.
- Bylaw 16.11.2.1 (Impermissible benefits).
  - Value of benefit ranges:
    - Greater than $100 to $400 = 10 percent withholding and repayment.
    - Greater than $400 to $700 = 20 percent withholding and repayment.
    - Greater than $700 = withholding of 30 percent and repayment.
COMMONLY APPLIED SAR GUIDELINES.
- Division II Bylaw 16.11.2.1.
  - The Committee directed the SAR staff to review factors in each case that may increase or decrease the SA(s) culpability.
  - If SA(s) clearly has responsibility for violation and knowingly commits a violation, a significant withholding condition should be imposed.

OTHER SAR GUIDELINES.
- Division II Bylaw 10.1 (Ethical Conduct);
- Division II Bylaw 10.3 (Sports Wagering Activities);
- Division II Bylaw 12.1.1.1.3 (Eligibility for Practice and Competition);
- Division II Bylaw 12.1.4 (r) Preferential Treatment, Benefits or Services;

OTHER SAR GUIDELINES. (CONT.)
- Division II Bylaw 12.3 (Use of Agents);
- Division II Bylaw 12.5 (Promotional Activities);
- Division II Bylaw 13.2 (Offers and Inducements);
- Division II Bylaw 14.4 (Progress-Toward-Degree requirements);
- Division II Bylaw 14.5 (Transfer Regulations).
OTHER SAR GUIDELINES. (CONT.)
- Calculating the value of an impermissible benefit:
  - Housing;
  - Automobile transportation;
  - Air transportation;
  - Impermissible books;
  - Sideline passes;
  - Free service;
  - Free or no cost merchandise.

CASE STUDY NO. 1.
- Second-year women’s indoor track and field SA received free lodging, meals and transportation from assistant coach.
- Assistant coach informed SA, July 2013, she could stay at coach’s home in August so SA could participate in voluntary workouts given SA could not move into her off-campus apartment until September 2, 2013.
- SA stayed with assistant coach from August 2-13, 2013, and received meals and local transportation.
- SA stated she was unaware staying with assistant coach was impermissible.

CASE STUDY NO. 1. (CONT.)
- Assistant coach stated she believed it was permissible to provide SA with lodging, meals, and transportation given it was associated with voluntary workouts.
- Neither SA nor assistant coach spoke with compliance about the logistics.
- Institution did provide education specific to impermissible benefits; however, education speaks to receiving “stuff” from someone you do not know.
WHAT DO YOU DO NOW?
- Determine if a violation has occurred.
- Determine what Bylaws are involved.
- Find out the SA's next date of competition.
- Determine value of impermissible benefits received.
- Determine SA's culpability.
- Determine coach's culpability.

WHAT DO YOU DO NOW? (CONT.)
- Institution submitted an interpretation request through the RSRO system and, the facts as presented to the interpretation staff demonstrate a violation has occurred.
- Division II Bylaw 16 is involved.
- SA competes tomorrow so the case is urgent. Call SAR!!

WHAT DO YOU DO NOW? (CONT.)
- After interviewing the SA and coach, the institution believes the SA has no culpability and the coach is completely responsible.
- Institution is unsure how to determine the value of the impermissible benefits received and cannot find the guidelines.
- Submit case in RSRO.
APPLICABLE GUIDELINE(s).
- Division II Bylaw 16.11.2.1 (Impermissible benefits)
  - Value of benefit ranges:
    - Greater than $100 to $400 = 10 percent withholding and repayment.
    - Greater than $400 to $700 = 20 percent withholding and repayment.
    - Greater than $700 = withholding of 30 percent and repayment.

ADDITIONAL APPLICABLE GUIDELINE.
- Impermissible housing:
  - If a PSA or SA stays on campus, then the residence hall rate shall apply;
  - If an individual impermissibly stays at a hotel, the hotel daily rate for the same room type at the specific hotel shall apply; and
  - If an individual impermissibly stays off campus at a private residence, the rental value of the property shall serve as the basis for the valuation.

ADDITIONAL APPLICABLE GUIDELINE.
- Impermissible transportation:
  - Current institutional mileage reimbursement rate at the time of the violation.
  - Institutions may divide impermissible transportation by the total number of individuals who received the benefit, provided a "per person" rate was unavailable.
CASE STUDY NO. 1. (CONT.)

- After reviewing SAR guidelines and speaking with SAR staff member, institution determined the value of impermissible benefits as follows:
  - $220 in impermissible housing benefits;
  - $15 in impermissible transportation benefits;
  - $75 in impermissible meals.

WHICH GUIDELINE APPLIES?

- Value of the benefit ranges from greater than $100 to $400 = withholding of 10 percent and repayment.
- Value of the benefit ranges from greater than $400 to $700 = withholding of 20 percent and repayment.
- Value of the benefit greater than $700 = withholding of 30 percent and repayment.

FACTORS CONSIDERED IN SAR STAFF ANALYSIS.

- SA's culpability for violation.
- Institution's responsibility for the violation.
- Impact of the outcome on SA.
- Could the violation have been avoided.
- Other mitigation.
CAST YOUR VOTE.

Decision Options:

1. Approve.
2. Approve with Conditions.
3. Deny.

Consider Your Rationale.

STAFF’S DECISION.

- Staff provided relief from withholding in part due to diminished culpability of SA and involvement of coaching staff member in provision of impermissible benefits.
- Staff required repayment in the amount of the impermissible benefit received $310.
  - Repayment to a charity of SA’s choice.
  - Does SA need a repayment plan?

REPAYMENT PLAN.

- Must be approved by the SAR staff prior to SA competing.
- Repayment to a 501 (c) (3).
- Institution is responsible for monitoring, verifying, and documenting when SA makes payments.
- Upon completion, documentation of each payment and a statement indicating SA has satisfied plan must be forwarded to staff.
Repayment Plan. (cont.)

- If SA is not current with plan and competes, possible additional rules violation.
- Failure to satisfy approved repayment plan after competing under the plan will result in SAR staff not entering into repayment plans with institution for a four-year period.

Case Study No. 2.

- Fourth-year, men’s basketball SA participates on an outside amateur team during the season but while on a short holiday break.
- SA did not think it was impermissible given it was during vacation.
- SA competed in four dates of competition on outside team.

What do you do now?

- Determine if a violation has occurred.
- Determine what Bylaws are involved.
- Find out the SA’s next date of competition.
- Did SA receive any impermissible benefits?
- Determine SA’s culpability.
- Determine institution’s responsibility.
WHAT DO YOU DO NOW? (CONT.)

- Institution submitted an interpretation request through RSRO and, the facts as presented to the interpretation staff demonstrate a violation has occurred.
- Division II Bylaw 14 is involved.
- The SA does not compete until next season.
- After interviewing the SA, the institution believes the SA has some culpability.
- Submit case in RSRO.

WHICH GUIDELINE APPLIES?

- One-for-one withholding condition for each impermissible competition.

FACTORS IN STAFF ANALYSIS.

- SA’s responsibility;
- Level of competition;
- Timing of competition (e.g., during championship or nonchampionship season).
CAST YOUR VOTE.

Decision Options:

1. Approve.
2. Approve with Conditions.
3. Deny.

Consider Your Rationale.

STAFF’S DECISION.

- In this case, staff applied the guidelines and reinstated the eligibility of the SA based on a four contest withholding condition.
- Does the institution wish to appeal?

OTHER INFORMATION.

- SAR also processes the following waivers:
  - Division II Bylaw 14.2 (10-Semester/15-Quarter Rule);
  - Division II Bylaw 14.2.5 (Hardship Waiver);
    - Appeals and Independent waivers.
  - Division II Bylaw 14.2.6 (Season-of-Competition-Competition while Ineligible);
  - Division II Bylaw 14.2.7 (Season-of-Competition-Competition while eligible).
WHAT CAN THE COMMITTEE FOR LEGISLATIVE RELIEF WAIVE?

- Committee for Legislative Relief (CLR) was established in January 2008 to be a free-standing Division II committee.

- Committee for Legislative Relief waivers are proactive waivers. The Committee for Legislative Relief cannot waive violations.
COMMON DIVISION II CLR WAIVERS
Division II Bylaw 13 (Recruiting Legislation).
- Offers and Inducements (Bylaw 13.2).
- Contacts or Evaluations (Bylaw 13.1).
- Official Visits (Bylaw 13.6).

COMMON DIVISION II CLR WAIVERS (CONT.)
Division II Bylaw 14 (Eligibility Legislation).
- Organized Competition Prior to Initial Enrollment (Bylaw 14.2.4.2).
- Transfers (Bylaw 14.5) 4-4 and 2-4 transfers.
  - Transfer requests are the most common CLR waiver.
  - Waiver authority for 2-4 transfers changing soon.

COMMON DIVISION II CLR WAIVERS (CONT.)
Division II Bylaw 15 (Financial Aid).
- Eligibility for Financial Aid (Bylaw 15.01.5).
- Retroactive Financial Aid (Bylaw 15.3.1.3).
- Team Financial Aid Limits (Bylaw 15.5.2.1).
COMMON DIVISION II CLR WAIVERS (CONT.)

Division II Bylaw 16 (Awards and Benefits).
- Awards Legislation (Bylaw 16.2).
- Permissible Expenses for Practice/Competition (Bylaw 16.8).
- Incidental-Expense Waivers (Bylaw 16.12)

Division II Bylaw 17 (Playing and Practice Seasons).
- First Permissible Practice or Competition Date.

REQUESTS NOT REVIEWED BY CLR.
- Extension of 10-Semester Clock (Bylaws 14.2.1/30.6.1).
- Full-time Enrollment (Bylaw 14.1.8).
- Hardship Waivers (Bylaw 14.2.5).
- Season of Competition Waivers (Bylaws 14.2.6 and 14.2.7).
- Initial-Eligibility Waivers (Bylaw 14.3).
- Progress-Toward-Degree Waivers (Bylaw 14.4).
- Violations.

HOW DOES THE PROCESS WORK?
- Staff reviews submitted information.
- Staff makes decision. (See analysis.)
- Applicant may appeal staff decision.
- Appeals to committee on a weekly basis.
HOW DOES THE PROCESS WORK? (CONT.)
- Committee submits decision and rationale.
- Staff informs applicant of decision.
- Committee decision is final.
- Contact with parents, student-athletes, attorneys, etc.

RECONSIDERATION PROCESS.
- Information unavailable at time application was submitted.
- Include all new information.
- Explanation of new information.
- Request reviewed by staff.
- Can appeal to chair.

WHAT ANALYSIS IS USED?
- Extenuating or extraordinary circumstances.
- Student-athlete well-being.
- Intent of legislation.
- Recruiting/competitive advantage.
- Case precedent.
COMMONLY USED CLR GUIDELINE – ASSERTIONS OF INJURY/ILLNESS

Case Study:
Transfer – Assertions Involving Injury/Illness

ASSERTIONS OF INJURY OR ILLNESS.

- Documentation from medical professional who diagnosed condition.
- Contemporaneous medical documentation.
- Statement from SA.

ASSERTIONS OF INJURY OR ILLNESS GUIDELINES.

- If documentation for the injury or illness is not provided, case may be denied.
- If documentation is provided and the injury or illness necessitated the transfer, case may be granted.
- If documentation is provided, but the injury or illness is ancillary to the facts, case may be denied.
**ASSERTIONS OF INJURY OR ILLNESS GUIDELINES.** (CONT.)

- **Nature of Injury or Illness.** Consider relief for circumstances involving a documented debilitating injury or illness to an immediate family member creating dependency on the student-athlete;

- **Student-Athlete’s Responsibilities Related to the Care.** Demonstrate SA is providing ongoing, caregiving responsibilities to injured/ill individual(s). Also, applicant institution must be within 100-mile radius of SA’s family member’s home;

**ASSERTIONS OF INJURY OR ILLNESS GUIDELINES.** (CONT.)

- **Chronology of Events.** Demonstrate the chronology of events supports the necessity for the student-athlete to transfer; and

- **Terminal Illnesses.** Requests are reviewed case-by-case basis. May not meet the requirements of the previous guidelines.

**INFORMATION STANDARDS FOR INJURY OR ILLNESS.**

- Documentation from professional who diagnosed the family member’s condition;

- Where appropriate, institution must provide contemporaneous medical documentation from the treating professional;

- A letter from SA explaining the need for relief from the legislation; and

- A statement from athletics director and head coach confirming SA will be permitted to depart from the team in order to fulfill care responsibilities for the injured or ill family member.
CASE STUDY NO. 3.
- Refer to the handout
- Questions to consider:
  - What necessitated the transfer?
  - Does the chronology support?
  - Are guidelines being met?

CAST YOUR VOTE.

Decision Options:
1. Approve.
2. Deny.
   Consider Your Rationale.

STAFF’S DECISION – APPROVED.
- NCAA Division II Committee for Legislative Relief March 2013 guidelines for waivers involving assertions of injury/illness.
  - Chronology supports necessity for SA to transfer;
  - Documented transfer of primary caregiving responsibilities due to SA’s sister leaving the home in July 2013;
  - SA’s grandfather suffers from a debilitating illness;
STAFF DECISION. (CONT.)
- Approval continued:
  - Although SA's grandfather is not an immediate family member, institution demonstrated a comparable relationship;
  - SA will provide regular, on-going care to his grandfather and younger siblings; and
  - SA's grandfather lives within a 100-mile radius of applicant institution.

RESOURCES.
- Academic and Membership Affairs.
  - Legislative Relief Hotline. 317/917-6144.
  - Questions about a potential waiver.
  - Phone Waivers.
- CLR Web site.
  - [www.ncaa.org](http://www.ncaa.org) » Compliance » Waivers » Legislative Relief
- RSRO for case precedent.

PHONE WAIVERS.
- For unforeseen events or circumstances.
  - Deaths.
  - Severe or life-threatening injuries or illnesses.
  - Inclement weather.
  - Catastrophic events.
- Institutions may call 317/917-6144 and indicate they have a potential CLR phone waiver request.
- Phone waivers do not eliminate the need to file a waiver.
RSRO Best Practices – SAR & LRT.

- All cases must be submitted through RSRO;
- Signatures must be included;
- Appropriate Buckley Statement signed by the SA must be included;
- Use the resources tab for assistance;
- Use the Wizard to assist with type of case to submit.

RSRO Best Practices. (Cont.)

- Cover letter with complete set of facts and chronology.
- Legible copy of transcripts (when applicable).
- Supporting documentation of assertions.
- All information submitted must be in writing.
- Applicable case precedent.

Questions?