Division III Student-Athlete Reinstatement

Fundamental Introduction

Overview

• Violations.
• Waivers Processed by Student-Athlete Reinstatement (SAR).
  – 14.2.2 Extension of Eligibility (10-semester/15-quarter).
  – 14.2.5 Hardship Waiver (Independent Institutions).
  – 14.2.5 Hardship Waiver Appeal.
  – 14.2.6 and 14.2.7 Season of Participation (Eligible and Ineligible).
• Name That Request.
• How to Submit a Request in NCAA Requests/Self-Reports Online Case Management System (RSRO).
• Questions.

Process

• In all SAR waivers and violations, SAR staff will review the case based on all information presented by the institution.
• Institution has the opportunity to appeal a staff decision to the NCAA Division III Committee on Student-Athlete Reinstatement.
  – Committee, at their discretion, may provide increased flexibility in decisions.
• Committee decision is final.
Violations

• Bylaws in which violations impact student-athlete eligibility:
  - 10 – Ethical Conduct;
  - 12 – Amateurism;
  - 13 – Recruiting;
  - 14 – Eligibility: Academic and General Requirements;
  - 15 – Financial Aid; and
  - 16 – Awards, Benefits and Expenses for Enrolled Student-Athletes.

Violations

• [R] = Restitution.
  - Eligibility is impacted, however:
    • If value is $100 or less, do not need to seek reinstatement through NCAA.
    • SA must make repayment to charity.
    • Report violation to NCAA enforcement staff.
  • [D] = De Minimis
    - Eligibility not impacted; no reinstatement necessary.
    - Report violation to NCAA enforcement staff.

Extension of Eligibility

• What Does It Do?
  - Provides SA an additional 2 semesters/1 year to complete 4 seasons of participation.
  - Must show why SA did not have four participation opportunities.
• General Rule (Bylaw 14.2.2).
  - SA has 10-semesters/15-quarters to complete 4 seasons of participation.
• Waiver Criteria (Bylaw 14.2.2.4.1).
  - SA was denied more than 1 season of participation; and
  - Did not have four participation opportunities.
  - Based on objective evidence.
  - Due to circumstances beyond control of SA and institution.
Extension of Eligibility

• Circumstances Beyond Control (Bylaw 14.2.2.4.1.1).
  – Incapacitating injury or illness to SA.
  – Life-threatening injury or illness suffered by immediate family member.
  – Reliance on written, contemporaneous, clearly erroneous academic advice from specific academic authority.
  – Natural disaster.
  – Extreme financial difficulties as result of specific event.

Extension of Eligibility

• Circumstances Within Control (Bylaw 14.2.2.4.1.2).
  – SA attends institution that does not sponsor sport or chooses not to participate.
  – SA is unable to compete due to inability to meet academic requirements or other disciplinary reasons.
  – Misinformation from a coaching staff member.
  – Redshirt year.
  – Inability to participate due to fulfilling academic year in residence or condition for reinstatement.
  – Lack of knowledge regarding start of 10-semester/15-quarter period of eligibility.

Extension of Eligibility

• Injury or Illness.
  – SA was incapacitated and unable to participate in intercollegiate athletics; OR
  – Immediate family member of SA was suffering from life threatening or incapacitating injury or illness.
  – Supported by contemporaneous medical documentation.
    • Visits to treating physician.
    • Surgical reports.
Extension of Eligibility

• Medical Documentation Standards.
  – Each sport must be evaluated separately to determine incapacitation in each sport.
  – From treating physician who administered care.
  – If SA is cleared to resume activities with more than 33% of season remaining, then season is a participation opportunity (PO).
  – Burden to meet documentation standards is on SA and institution.

Extension of Eligibility

• Financial Hardship.
  – Financial hardship is the result of a specific event to someone on whom SA is dependent.
  – Financial hardship prohibits SA from competing.
  – Supported by objective documentation.
    • Decree of bankruptcy.
    • Proof of job termination.
    • Tax return statements.

Extension of Eligibility

• Financial Documentation Standards.
  – Must identify and substantiate specific event leading to financial hardship.
  – Specific event must be in close proximity to academic year being asserted as denied-participation opportunity (DPO).
  – Specific event must have direct nexus to financial hardship.
  – Situations in which SA discovers cost of attendance at institution is beyond financial means do not satisfy specific-event requirement.
Extension of Eligibility

• Erroneous Academic Advice.
  – Written, contemporaneous, clearly erroneous academic advice.
  – Provided by specific academic authority from collegiate institution.
  – Leads to SA not being eligible for competition.
  – Reliance by SA on advice.

Extension of Eligibility

• Circumstances Beyond Control and Circumstances Within Control.
  – SA asserts both circumstances within control and circumstances beyond control.
  – Demonstrate that circumstance beyond control necessitated circumstance within control.
  • Ex: Men's basketball SA's mom falls terminally ill Spring 2013. As a result of his weekly drive 10 hours each way to help care for mom, SA falls behind academically at his Division III institution and is not eligible after Spring 2013. SA transfers to a new Division III institution Fall 2013 which is 30 minutes from his mom to continue providing care.

Extension of Eligibility

• Analysis
  – Two-prong analysis.
    • (1) Was SA denied 2 seasons-of-participation opportunity? (DPO)
    • (2) Did SA have 4 seasons-of-participation opportunity? (PO)
    • If SA has 2 DPOs and 4 POs → Deny.
  – Misadvisement regarding use of a final semester.
    • Usual analysis not used.
    • Misadvice from an appropriate institutional authority.
    • SA must take affirmative steps to protect remaining eligibility.
    • 1 for 2 withholding condition.
Extension of Eligibility

• Analysis, continued.
  – Extraordinary circumstances.
    • Case-by-case analysis.
    • SA does not have more than one denied-participation opportunity.
    • Circumstances were extraordinary.
    • Increased scrutiny if initial year of nonparticipation is based on academic ineligibility.
  – If denied, may appeal to Division III Committee on Student-Athlete Reinstatement.

Hardship Waiver

• What Does It Do?
  – Provides SA a season back due to his/her injury or illness.
• General Rule (Bylaw 14.2.5).
  – SA may be granted an additional year of participation for medical hardship (must have triggered use of a season).
• Waiver Criteria (Bylaw 14.2.5 (a)-(b)).
  – Injury/illness is incapacitating;
  – Injury/illness occurs during first half of season; AND
  – SA does not compete in more than 1/3 of season plus one.

Hardship Waiver

• Administration.
  – Administered by conference office.
    • If denied by conference office, may submit appeal to SAR staff.
    • If denied by SAR staff, may appeal to Division III Committee on Student-Athlete Reinstatement.
  – If independent institution, submit directly to SAR staff.
    • If denied by SAR staff, may appeal to Division III Committee on Student-Athlete Reinstatement.
Hardship Waiver

• Injury or Illness.
  – Must be season-ending and supported by contemporaneous medical documentation.
    • Chiropractic records do not suffice (legislated).
    • Mental and psychological illness may be supported by appropriate individual licensed to diagnose and treat the specific illness (legislated).

Hardship Waiver

• Participation Requirements.
  – First-Half of Season Calculation (Bylaw 14.2.5.2.3).
    • If odd number of contests/dates of competition, injury or illness must occur before start of contest/date of competition that begins second half of season.
  – 1/3 Participation (Bylaw 14.2.5.2.5.2).
    • Percent of contest is rounded up.
    – See chart at end of Bylaw 14.

Hardship Waiver

• Reinjury in Second Half of Season (Bylaw 14.2.5.2.4).
  – Aggravation of original injury in second half of season does not qualify.
Season-of-Participation Waiver

- What Does It Do?
  - Provides SA a season back due to circumstances other than injury to the SA.
  - SA must have triggered use of a season.
  - 2 types:
    - While eligible.
    - While ineligible.

Season-of-Participation Waiver – Participation While Eligible

- General Rule (Bylaw 14.2.7).
  - SA may be granted an additional season of participation for limited competition while eligible due to extenuating circumstances.

Season-of-Participation Waiver – Participation While Eligible

- Waiver Criteria [Bylaw 14.2.6-(a) -(b)].
  - Participation occurs within first half of traditional segment; AND
  - SA did not compete in more than 3 contests/dates of competition or 1/3 (whichever is greater) of completed or scheduled contests/date of competition.
Season-of-Participation Waiver – Participation While Eligible

• Extenuating Circumstances [Bylaw 14.2.7.1.2-(a)- (c)].
  – Life-threatening injury or illness suffered by member of SA’s immediate family.
  – SA unable to compete as result of extreme financial difficulties as result of specific event.
  – Institution drops sport from intercollegiate program (SA must have practiced or competed).
  – Other.

Season-of-Participation Waiver – Participation While Ineligible

• General Rule (14.2.6).
  – SA may be granted an additional season of participation for limited competition while not otherwise eligible as a result of:
    • Good faith, erroneous, formal declaration of eligibility; OR
    • SA’s good faith, erroneous, reliance on coaching staff member’s decision to put SA into participation prior to receipt of formal declaration of SA’s eligibility.

Season-of-Participation Waiver – Participation While Ineligible

• Waiver Criteria [Bylaw 14.2.6-(a) -(e)].
  – SA representing NCAA member institution;
  – Participation within 60 days of reporting for athletics participation;
  – SA did not compete in more than 2 events of 10 percent of completed or scheduled season (whichever is greater);
  – SA involved innocently and inadvertently in their declaration of eligibility; AND
  – In case of coaching staff member’s erroneous decision, SA had reason to believe he or she would be eligible and did not contribute to coaching staff member’s erroneous decision.
Name That Request!

- Men's soccer SA, Usher, enrolled at Voice University fall 2012 and competed during the 2012 season.
  - 2013-14: Usher competed in 7 contests at Voice University.
    - Usher competed in 6 contests prior to tearing his ACL in the 7th contest October 1, 2013 against Idol College.
    - Second half of season began October 16, 2013.
    - Usher underwent surgery October 19, 2013.
    - Usher was incapacitated for remainder of season.

  - What type of waiver should Voice University file on behalf of Usher?
  - Where should the waiver be filed?

Name That Request!

- 2009-10: Women's basketball SA Shakira competed.
- 2010-11: Shakira did not compete. Shakira tore her hamstring prior to beginning of season. Voice University provided contemporaneous medical documentation stating Shakira was incapacitated.
- 2011-12: Shakira competed.
- 2012-13: Shakira competed.
- 2013-14: Shakira competed in first 2 of 25 contests prior to injuring her hand. Shakira was incapacitated duration of season.

  - What type of waiver(s) should Voice University file on behalf of Shakira?
  - Where should the waiver(s) be filed?
Name That Request!

- Softball SA Christina enrolled at Voice University fall 2010 and competed during the 2010-11 and 2011-12.
- Christina competes in first contest of season.
- Christina decides to move home to help provide daily care for her grandmother given her parents both work 16-hour days and nobody else can provide care.

What type of waiver should Voice University file on behalf of Christina?

Name That Request!

- Baseball SA Shelton enrolled fall 2013.
- 2013-14: Shelton competed in one contest while not meeting institutional satisfactory progress requirements.
- Voice University discovers Shelton can no longer compete, and withholds him remainder of season due to not meeting requirements.

What type of waiver should Voice University file on behalf of Shelton?

Should Voice University file anything else?

Submitting a Request in RSRO