

NCAA DIVISION III STUDENT-ATHLETE REINSTATEMENT GUIDELINES

NCAA Division III Bylaw 10 Guidelines.

1. Bylaw 10.1-(b) (Academic Fraud).

NCAA Division III Student-Athlete Reinstatement Committee directed staff not to reinstate. (December 2000)

2. Bylaw 10.1-(d) (Provision of False or Misleading Information).

1. Provision of false and misleading information [Bylaw 10.1 (d) site] – General guideline is to withhold 20 to 50 percent. (December 2000)
2. Although guideline is 20 to 50 percent due to seriousness of student-athlete's actions, staff may impose a condition greater than 50 percent if it deems appropriate. (October 2003)
3. In situations where a student-athlete provides false and misleading information during the investigation of the violation, but the institution does not believe that the student-athlete "knowingly" provided the information and does not cite Bylaw 10.1-(d), the provision of the false and misleading information may be considered in evaluating the student-athlete's culpability for the initial violation. (December 2000)

Bylaw 12 Guidelines.

1. Amateurism Issues Post Enrollment.

- a. Participation on Professional Teams. First the student-athletes situation should be assessed to see if reinstatement is warranted. Specifically, did student-athlete's actions professionalize him or her beyond the point of reinstatement? If it is determined that the student-athlete should be reinstated, the minimum withholding condition would be to charge the student-athlete with a season of competition. (April 2004)

- b. Acceptance of Actual and Necessary Expenses. Student-athletes who accept actual and necessary expenses from a professional team shall be required to repay the impermissible expenses. In addition, the student-athlete's culpability will be assessed and a withholding condition based on the dollar amount may be applied.
- c. Acceptance of Prize Money. Student-athlete will be required to repay all impermissible prize money received. In addition, the student-athlete will be withheld based on the dollar amount guidelines established for extra-benefit violations given the student-athlete's responsibility for the violation and the opportunity for rules education.
- d. Effective Date. Appropriate effective date for conditions will apply to enrolled student-athletes who engage in the violation subsequent to August 2004.

2. **Acceptance of Incentive or Bonus Pre-Enrollment.**

The committee directed the staff not to reinstate individuals who accept an incentive or bonus since the funds are similar to a salary. The new amateurism legislation does not permit an individual to receive a salary. The Division III committee noted that where applicable, an institution may appeal the staff's decision, and the committee will determine if relief is warranted based on the specific facts of the case. The institution will have the burden of demonstrating that the individual is not a professional athlete. (June 2002)

3. **Bylaw 12.3 (Agents).**

- a. The committee noted that agent violations are considered more serious than general extra-benefit violations and, therefore, the monetary guidelines should be more stringent than the extra-benefit guidelines. (December 2000)
- b. The committee directed the staff to impose a minimum 10 percent withholding condition for any type of impermissible benefit received from an agent. (December 2000)
- c. The committee affirmed that the staff should consider the following issues (December 2000):
 - (1) The value of the benefit received by the student-athlete;
 - (2) The student-athlete's awareness of the person's agent status; and

- (3) The student-athlete's involvement in obtaining benefits.
- d. Signing of a contract with an agent carries with it the presumption of abandoning one's amateur status.

4. Bylaw 12.5 (Promotional Activities).

The committee directed the staff to analyze:

- a. How commercial the promotion was;
- b. The culpability of the student-athlete, emphasizing whether the student-athlete had received NCAA rules education and had knowledge of the use of his or her name or picture; and
- c. How the identity of the student-athlete was established (e.g., whether the promotion includes the student-athlete's name, institution, team or uniform). (December 2000)

Bylaw 14 Guidelines.

1. Bylaw 14.1.6.2/14.1.7.2 (Competition While Enrolled in Less than Full Time).

The committees confirmed that a one-for-one-withholding condition is appropriate for competition while enrolled in less than a full-time course load. Relief may be appropriate if the following criteria are met:

- a. The institution must be able to demonstrate that the student-athlete was continuing to attend class;
- b. Student-athlete did not realize he or she had dropped below 12 credit hours; and
- c. The student-athlete had made every effort to remain enrolled in a full credit load. (June 2000/June 2003)

2. Bylaw 14.5 (Transfer Violations).

- a. Situations where there is no way the student-athlete could have been eligible. In situations where a student-athlete competes during a transfer year in residence when

