

REPORT OF THE
NCAA DIVISION III MANAGEMENT COUNCIL
ADMINISTRATIVE REVIEW SUBCOMMITTEE

INFORMATIONAL ITEMS.

1. **Summary of Cases.** During its October 16, 2005, meeting, the NCAA Division III Management Council Administrative Review Subcommittee reviewed cases decided at the NCAA membership services staff level, as well as those cases appealed to the subcommittee from March 26 through August 15. The following is a summary of the decisions made by the staff and the subcommittee:
 - a. A total of seven cases were reviewed.
 - b. Staff granted three cases. Of the three cases staff granted, two cases were granted based on the totality of the circumstances and/or student-athlete well-being and one was granted based on case precedent and/or NCAA Division III Management Council's directive.
 - c. Staff denied four cases. Of the four cases staff denied, all were based on case precedent, intent of the legislation, competitive advantage gained by the institution, circumstances within the control of the student-athlete or institution, and/or circumstances did not warrant a waiver of the legislation. Two were not appealed to the subcommittee.
 - d. Two of the four staff denials were appealed to the subcommittee. The subcommittee affirmed one staff denial and overturned one staff denial.

2. **Waiver Requests of NCAA Bylaw 14.1.9 (Graduate Student/Postbaccalaureate Participation).** As a result of the subcommittee's July report to the Management Council regarding Bylaw 14.1.9 waiver requests, the Management Council has initially proposed legislation to broaden the transfer legislation for student-athletes to enroll in a graduate degree program or for a second baccalaureate degree. At its October 16 meeting, the subcommittee reviewed and discussed the five waiver requests submitted since the July Management Council meetings. The subcommittee will continue to monitor these waiver requests and update the Management Council on a regular basis. [NOTE: At its October 27, 2005 meeting, the Presidents Council withdrew 2006 Convention Proposal No. 5 - Eligibility - Graduate Student/Postbaccalaureate Participation - Exception and reemphasized the authority of the subcommittee to review the eligibility of graduate students and grant waivers on a case-by-case basis.]

Committee Chair: Val Cushman, Randolph-Macon Woman's College, Old Dominion Athletic Conference

Staff Liaisons: Laura M. Wurtz, Membership Services

Administrative Review Case Report

Case Number 8070

Action Denied

Decision Date Jul 07, 2005

Division III

Sport(s) Men's Basketball

Bylaw(s) 14.2.4.1 Minimum Amount of Participation
14.2.7 Season-of-Participation Waiver — Participation While Eligible

Facts:

Student-athlete (SA) initially enrolled at Institution No. 1, a Division III institution, for the 2001-02 academic year where he practiced and competed in basketball. SA competed in seven basketball contests for a total of nine minutes during the 2001-02 academic year. SA competed in 24 percent of Institution No. 1's contests in 2001-02. SA transferred to applicant institution where he practiced and competed for the 2002-03, 2003-04 and 2004-05 academic years. Applicant institution is requesting SA be granted an additional season of participation for the 2005-06 academic year, but does not have any remaining seasons of participation.

Request of Institution:

Waive the normal application of the minimum amount of participation legislation and permit SA to regain a season of participation. Applicant institution asserts that SA's participation during the 2001-02 season was "meaningless playing time." Applicant institution asserts that SA is completing course work during the 2005-06 academic year toward his degree in education and is not extending his enrollment for the sake of athletics participation. Applicant institution asserts that it is in the best interest of SA to grant the additional season of participation in light of the minimal participation that occurred during the 2001-02 academic year. Applicant institution's dean supports the request, since SA is not extending his enrollment for athletics reasons.

Rationale:

STAFF DENIED: Based on intent of legislation. The staff noted a portion of SA's competition in the 2001-02 basketball season occurred in the second half of the playing season, including the last contest of the 2001-02 basketball season. The staff also noted that the case precedent cited by applicant institution (Case No. 7010) is a Division I case that was ultimately determined to be granted by the NCAA Division I Management Council Administrative Review Subcommittee under NCAA Division I legislation on appeal. **SUBCOMMITTEE DENIED:** Based on intent of legislation and circumstances that did not warrant a waiver of the legislation.

Legislation

14.2.4.1 Minimum Amount of Participation

