

REPORT OF THE  
NCAA DIVISION III COMMITTEE ON STUDENT-ATHLETE REINSTATEMENT

LEGISLATIVE ACTION ITEMS.

- **Compliance with Conference Legislation.**
  1. Recommendation. Adopt noncontroversial legislation to specify that violations of NCAA Bylaw 14.01.3 that relate only to a violation of a conference rule, do not affect the student-athlete's eligibility. The violation would still be institutional but would not require an institution to declare the student-athlete ineligible and seek reinstatement.
  2. Effective Date. Immediate.
  3. Rationale. Currently, in a case where a student-athlete is involved in a violation of a conference rule, the institution must seek reinstatement even though no violation of NCAA legislation has occurred, other than the fact that the student-athlete was not meeting conference regulations. A conference is in a better position to assess whether a violation of its rule should impact student-athlete eligibility and, if so, what is the appropriate condition of reinstatement. Violations would still have institutional responsibility and, thus, still have to be reported to the NCAA enforcement staff.
  4. Estimated Budget Impact. None
  5. Student-Athlete Impact. None.

INFORMATIONAL ITEMS.

1. **Policies and Procedures.** The committee approved several changes to its policies and procedures. The specifics of the changes can be found in Attachment A. The changes include amendments consistent with current practices regarding the committee's review of flexible cases and procedures for review of the four-year period for situations involving defaulted repayment plans. Specifically, the changes to the procedures regarding failure to satisfy a repayment plan allow an institution to begin the four-year period precluding future repayment plans on notification by the institution of a student-athlete's default of the repayment plan. Further, an institution is precluded from appealing the four-year period until another situation involving a repayment situation

arises at the institution. Appeals of the four-year period are determined via written record by the chair and lead administrator. Additionally, the changes include clarification that the committee shall have the opportunity to review those cases where the staff provides a level of relief from established precedent and determine if the cases should remain published and continue to serve as case precedent or if the cases should be archived and no longer be published or serve as case precedent.

2. **Recruiting Services.** The committee reviewed cases in which there was a violation of NCAA legislation because a student-athlete had used a recruiting service contrary to the provisions of Bylaw 12.3.3. The committee directed the staff to continue to review each case on a case-by-case basis and supported that in general, the imposition of a 10 percent withholding condition may be appropriate. The committee expressed concern about these services and asked the staff to continue to track these cases, notify all services identified regarding applicable NCAA legislation and to take steps to educate prospective student-athletes (e.g., NCAA Guide for the College-Bound Student-Athlete) about how they can permissibly use such a service. Finally, the committee recommended that a question regarding the use of such a service be included on the student-athlete statement.
  
3. **Competition by an Ineligible Student-Athlete – Satisfactory Progress Violations.** The committee reviewed a sampling of cases in which a student-athlete had competed while ineligible in that he or she had not made satisfactory progress. The committee endorsed the general direction of the staff and indicated that appropriate factors to consider included how reasonable it is the student-athlete could have rectified the problem and how proactive the student-athlete was in ensuring he or she met progress-toward-degree requirements. The committee noted that unless the issue is solely a paperwork issue, complete relief should generally not be provided. However, based on the specific factors of the case, the staff should consider imposing a one-for-two or in limited cases one-for-four condition. In addition, in situations where there is no way the student-athlete could have been eligible, the student-athlete should be withheld on a one-for-one basis.
  
4. **Competition by an Ineligible Transfer Student-Athlete: Competition Prior to Certification.** The committee reviewed a sampling of cases in which a transfer student-athlete competed while ineligible in that he or she had not been certified by the institution prior to competition. In certain cases when failure to certify has been a paperwork issue, the staff has not imposed a withholding condition. In other circumstances, including when the institution is waiting for information that is not available (e.g., a grade from a professor), the staff has imposed a one-for-one withholding condition. Finally, in situations where an institution allows a student-athlete to compete while waiting for information that possibly could have been provided, the staff should analyze how

