

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

ACTION ITEMS.

1. Legislative Action Items.

a. Season of Participation-Participation While Eligible Waiver.

- (1) Recommendation. That the NCAA Division III Management Council sponsor legislation to amend NCAA Bylaw 14.2.7 to indicate that a season-of-participation--participation while eligible waiver shall be granted for the student-athlete in circumstances involving documented coach's or administrator's misunderstanding of the season-of-participation legislation that results in use of a season of participation and student-athlete has limited participation in practice, an alumni contest, preseason exhibition contests and scrimmages or traditional season contests. The participation must be the result of a good faith reliance on coaching staff member's decision to put the student-athlete in limited practice, an alumni contest, exhibition contests, scrimmage or nonchampionship season contest based on the coach's or administrator's documented misunderstanding of NCAA legislation and the following factors: the participation occurred while the student-athlete was representing an NCAA institution and the student-athlete did not compete in more than two events or 10 percent (whichever is greater) of the institution's scheduled or completed events in his or her sport. A two-for-one withholding condition shall be imposed for practice or competition during the season in which the student-athlete uses the additional season of participation.
- (2) Effective Date. For participation on or after August 1, 2007.
- (3) Rationale. Currently, the legislation does not allow for relief in a case where a student-athlete participates based on a coach's or administrator's documented misunderstanding of the season-of-participation legislation without the intention of using a season of participation. This recommendation would allow for relief in situations where documented misunderstanding of legislation is provided from a coaching staff member or administrator that results in the mistaken and unintended consequence of use of a season of participation. Such relief is consistent with the student-athlete first philosophy, while also addressing the participation advantage through the withholding requirement. The reinstatement staff will continue to send a

chancellor's or president's letter in these situations, despite the legislated exception. The two-for-one withholding condition will continue to protect competitive equity while deterring abuses of the waiver process.

- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. Supports student-athlete first philosophy by allowing student-athletes the option to receive an additional season of participation in circumstances involving documented misunderstanding of legislation by coaching or administrative staff involving limited participation.

b. Permissible Promotional Activities.

- (1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 12.5.1.1 to indicate violations shall be considered *de minimis* and not impact a student-athlete's eligibility if the only component of the legislation not satisfied is failure to obtain written permission from the director of athletics. Additionally, the director of athletics must indicate subsequent to the activity that had permission been requested, the activity would have been approved by the director of athletics.
- (2) Effective Date. Immediate.
- (3) Rationale. Currently, in a case where a student-athlete is involved in a promotional activity, even if all other components are satisfied, if the director of athletics does not grant permission prior to the activity, the student-athlete's eligibility is impacted. If all other components of the legislation are satisfied, provided the director of athletics indicates permission would have been granted, the student-athlete's eligibility is reinstated without conditions. Thus, in an effort to decrease bureaucracy, the committee recommends these violations not impact eligibility. Violations still would have institutional responsibility and would have to be reported to the NCAA enforcement staff.
- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. Student-athletes will not have their eligibility impacted by violation of Bylaw 12.5.1.1, as specified.

