

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

1. ACTION ITEMS.

a. Legislative.

- (1) NCAA Bylaw 12.2.4.2.2 (Exception–Professional Basketball Draft–Two-Year College Prospective Student-Athlete).
 - (a) Recommendation. The committee recommends that the Management Council sponsor noncontroversial legislation for a draft exception for two-year college enrolled student-athletes who enter a professional basketball league’s draft one time during his or her collegiate career and who subsequently enroll at a Division III institution.
 - (b) Rationale. The committee determined that the draft exception should mirror the recently adopted Division I legislation, in the process eliminating the restriction that currently prevents two-year college student-athletes from using an exception available to high school and four-year college student-athletes.
 - (c) Budget Impact. None.

2. INFORMATIONAL ITEMS.

a. Nonlegislative.

- (1) Student-Athlete Reinstatement Philosophy. The committee conducted a workshop with the student-athlete reinstatement staff to thoroughly explore a more flexible approach to cases as encouraged by President Myles Brand and the Executive Committee in the June 2 memorandum sent to committee chairs. The memorandum seemed to suggest three themes:
 - Flexible judgment
 - Responsiveness
 - Simplification

Flexible Judgment

The committee determined that a shift in approach is appropriate. Previously, the committee provided directives to the staff prescribing specific outcomes for various categories of cases. The committee will continue to

provide oversight to the staff, still serving as the appellate body for all decisions and working in collaboration in setting policy. The shift in philosophy will allow the staff to make flexible decisions aligned with guidelines set forth by the committee. Guidelines will assist both the staff and committee in considering what factors are important when deciding cases. The committee will regularly review all decisions made by the staff. The committee will have regular conference calls to review staff decisions that deviated from case precedent in light of the shift in approach. The committee will either approve the precedent or archive it. Until the committee's review, the staff's decisions are not binding on the committee.

In deciding cases, the staff and committee should consider many factors, including, but not limited to:

- Student-athlete (SA) culpability;
- Student-athlete responsibility; and
- The advantage gained from the violation and the appropriate way to address that advantage (in light of any mitigation; through a withholding condition imposed on the SA or through an institutional sanction).

The effective date for this shift in approach will be applied to the 2003-04 academic year (meaning if a reinstatement condition would be served during the 2003-04 academic year, then the shift in approach will apply). If an institution received a decision previously and the condition is to be imposed during the 2003-04 academic year, the institution can contact the reinstatement staff and ask the case to be reconsidered.

Responsiveness/Simplification

Regarding the two remaining themes, the committee discussed the student-athlete reinstatement process, including documentation requirements for various types of requests. The committee will continue to examine this area.

- (2) National Baseball Congress. The staff and committee reviewed cases this past spring involving student-athletes competing on summer league teams that promote/market themselves as semiprofessional. Under the previous definition of a professional team, competing on teams that promote/market themselves as semiprofessional was a violation. Thus, if the violation occurred prior to the effective date of the new definition of a professional

