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1. **Legislated Duties.** The NCAA Division II Academic Requirements Committee Subcommittee on Initial-Eligibility Waivers shall oversee the initial-eligibility waiver process in accordance with NCAA Bylaw 14.3.1.5 and consider appeals of staff decisions.

2. **Subcommittee Responsibilities.**

   a. Review appeals of staff initial-eligibility waiver decisions.

      (1) Adhere to subcommittee policies and procedures.

      (2) Apply the initial-eligibility waiver directive.

   b. Provide an annual report of initial-eligibility waiver decisions to the NCAA Division II Academic Requirements Committee.

   c. As requested, examine Division II initial-eligibility legislation and make recommendations to the Academic Requirements Committee.

3. **Subcommittee Composition.** The subcommittee shall consist of five NCAA Division II Academic Requirements Committee members designated by the committee.

4. **Subcommittee Terms.** Generally, subcommittee members shall be appointed for one four-year term. The term of service shall commence on the first day of September following appointment. A former subcommittee member may be appointed to an additional term on the subcommittee after three years have elapsed. An individual who has served two terms on the subcommittee may not serve further on the subcommittee.

5. **Subcommittee Chair Selection.** The staff liaison shall solicit nominations from subcommittee members, and the subcommittee shall appoint a chair based on majority vote. The subcommittee chair shall serve in such capacity for the remainder of his or her term.

6. **Duties.**

   a. Subcommittee Chair.

      (1) Conduct subcommittee teleconferences.

      (2) Identify conflicts of interest at the beginning of each teleconference.

      (3) Thoroughly review all appeal materials before the teleconference and be prepared to discuss and decide each appeal.

      (4) Lead the subcommittee discussion and deliberation.
(5) Provide notice of unavailability to participate on a teleconference.

(6) Recuse from cases when appropriate.

(7) Adhere to subcommittee policies and procedures and apply the initial-eligibility waiver directive.

(8) Contact subcommittee members who are not discharging their responsibilities and recommend removal by the Academic Requirements Committee, if necessary.

b. Subcommittee Members.

(1) Thoroughly review all appeal materials before the teleconference and be prepared to discuss and decide each appeal.

(2) Participate on all subcommittee teleconferences.

(3) Provide notice of unavailability to participate on a teleconference.

(4) Recuse from cases when appropriate.

(5) Adhere to subcommittee policies and procedures and apply the initial-eligibility waiver directive.

c. NCAA Eligibility Center academic review team members.

(1) Review and process all initial-eligibility waivers.

(2) Render an initial decision for all initial-eligibility waivers.

(3) Provide all necessary information and documentation for the subcommittee to consider during its appeal teleconference.

(4) Objectively present an overview of the waiver, note the institution's assertions, explain the staff decision/rationale and answer questions from the subcommittee.

(5) Notify the institution of the subcommittee decision and rationale.

7. **Authority.** Only the Eligibility Center academic review team has authority to render a staff initial-eligibility waiver decision, including scenarios in which an institution is not required to submit a waiver (the subcommittee may review such decisions).
After the academic review team renders an initial-eligibility waiver decision, only the subcommittee has authority to review an appeal and render a subsequent decision. The subcommittee determination shall be final, binding and conclusive and shall not be subject to further review by any other authority.

8. Decisions. The academic review team and subcommittee shall render one of the following decisions in accordance with the initial-eligibility waiver directive:

a. Approval (Athletics Aid, Practice and Competition).

(1) Academic Preparedness. When a student-athlete's overall academic record meets obvious-waiver requirements or clearly demonstrates college preparedness.

- A student-athlete whose only deficiency is two core-course units or less and projects a 2.600 or higher first-year GPA based on NCAA data analysis will receive an automatic initial-eligibility waiver.

(2) Mitigation. When but for the mitigating circumstances, it is clearly evident the student-athlete would meet qualifier requirements.

b. Partial Approval.

(1) Athletics Aid and Practice. When but for the mitigating circumstances, it is clearly evident the student-athlete would meet partial-qualifier requirements.

(2) Athletics Aid. When mitigating circumstances contributed to the student-athlete's deficiency but do not rise to the level of but-for mitigation.

c. Denial.

(1) Partial Qualifier. When it is not clearly evident that but for the mitigating circumstances, the student-athlete would meet qualifier requirements.

(2) Nonqualifier. When mitigating circumstances are absent, insufficient or did not contribute to the student-athlete’s deficiency.

d. Cancel/Table. In some scenarios (e.g., student-athlete certified as qualifier, no response to staff communication and/or request within 14 calendar days), staff may cancel an initial-eligibility waiver. If a waiver is canceled due to lack of response, it may be re-opened, provided the institution submits a complete response to any outstanding request.

Further, the staff and subcommittee have discretion to table an appeal, as necessary (e.g., pending High School Review Committee appeal). Staff will provide the institution written notice of a canceled or tabled waiver.
As part of its decision, the subcommittee has discretion to permit a student-athlete to attempt one accommodated ACT or SAT (national test date) after full-time enrollment, provided the student-athlete has a documented education-impacting disability and did not take an accommodated test before initial full-time enrollment. In such scenarios, the accommodated post-enrollment score must be submitted officially to the Eligibility Center, and the institution may request reconsideration if the student-athlete achieved a qualifying score on the accommodated post-enrollment attempt.

9. **Precedent.** Due to the fact-specific nature of initial-eligibility waivers, along with legislative and directive changes, precedent from prior academic years is not binding; however, precedent from the current academic year may be persuasive. Precedent cases five years and older are automatically archived and thus may not be considered in the IEW analysis.

10. **Reconsiderations.** The institution may request reconsideration of an IEW decision (staff or subcommittee) based on new information that was not reasonably available at the time of the decision. The reconsideration request (submitted via RSRO) must include (1) a statement on letterhead that explains why the institution believes the information is new and was not reasonably available at the time of the decision, and (2) supporting documentation. The staff has discretion to determine whether the institution's submission meets the threshold, and its determination is not subject to further review.

    If staff determines the threshold is met, staff will review the IEW and render a reconsideration decision. However, if staff determines the institution's submission does not meet the threshold, staff will deny the reconsideration request.

    Staff and the subcommittee will not reconsider an IEW decision based on a student-athlete's performance after full-time enrollment (e.g., 2017 fall term).

11. **Appeals.** The institution has 30 calendar days after receiving written notice of a staff decision (initial or reconsideration) to submit a complete appeal request via RSRO. The appeal request must include a statement on letterhead, signed by the athletics director and senior compliance administrator, that specifies the relief sought and explains why the institution believes additional relief is warranted. The subcommittee decision shall be final, binding and conclusive and shall not be subject to further review by any other authority.

    If staff denies the institution's reconsideration request, the institution may appeal the initial staff decision, provided it has not done so previously and the appeal request is submitted within 30 calendar days after receiving written notice of the initial decision.

12. **Teleconferences.** The subcommittee shall have a weekly appeal teleconference, which shall be limited to Eligibility Center academic review team and subcommittee participation.
The subcommittee chair shall begin by reviewing the report from the subcommittee's prior teleconference. After the report is approved with any noted revisions, the chair shall identify any conflicts of interest and proceed to the appeals, which are considered individually.

After the staff has objectively presented an overview of the waiver, noted the institution's assertions, explained the staff decision/rationale and answered questions, the subcommittee chair shall lead the deliberation. Appeals are decided by a majority vote of all subcommittee members present and voting.

13. **Representatives.** An institution may designate a non-staff representative to assist with an initial-eligibility waiver by adding the individual to its list of Eligibility Center contacts, which the institution is responsible for managing, and providing the institution’s NCAA organization ID to the non-staff representative. Unless stated otherwise, all provisions applicable to institutional staff members shall be applicable to the institution's non-staff representative for the initial-eligibility waiver process.

A student-athlete’s representative shall be authorized to participate in the initial-eligibility waiver process, including communication with academic review team members, to the same extent the student-athlete would otherwise be eligible to participate without representation.

14. **Updated Certification after Initial-Eligibility Waiver Decision.** If the Eligibility Center updates a student-athlete's final academic certification after the staff or subcommittee initial-eligibility waiver decision (e.g., test-score cancellation), the previous initial-eligibility waiver decision shall be null and void if the deficiency increases. However, the institution may resubmit an initial-eligibility waiver for the student-athlete based on the updated academic record and deficiency.

15. **Resignation.** If a subcommittee member resigns, he or she must provide written notice to the staff liaison. Thereafter, the procedures to solicit and appoint a new member will be initiated, and a new subcommittee member will be appointed as soon as possible.

Based on a recommendation from the subcommittee chair, the Academic Requirements Committee may remove subcommittee members who are not discharging their responsibilities.

16. **Conflict of Interest.** The NCAA is a voluntary Association comprised of colleges, universities, conferences and other organizations, and governed through a membership-led committee structure. Within the governance structure, committee members must carefully balance their responsibilities to their respective institutions and/or conferences with the obligation to advance the interests of the Association, the division, or the sport, and ultimately enhance the student-athlete experience. While the fiduciary obligations of committee members to their own institution, their conference, and to the Association ordinarily are not in conflict, it is recognized that as a representative membership
organization, committee members’ fiduciary obligations are first to their institution, second to their conference and third to the Association. NCAA committee service involves important ethical and moral obligations. Committee integrity is critical to the decision-making process and includes trust, confidentiality and honesty in all issues and aspects of service and representation. NCAA committee members shall disclose any conflict or potential conflict between their respective personal, professional, institutional, conference or business interests and the interests of the Association that may affect or otherwise threaten such integrity, in any and all actions taken by them on behalf of the Association, for committee evaluation under this Statement.

In addition to any fiduciary obligation to their institution and conference, committee members also have a fiduciary duty to the Association not to use knowledge or information obtained solely due to service on that committee to the disadvantage of the Association during the term of committee service. Further, a committee member shall not participate in the committee’s discussion or vote on any action that might bring direct or indirect personal financial benefit to the member or any organization (other than the member’s institution or conference) in which the member is financially interested. A committee member should also not participate in a discussion or vote for which the member’s institution or conference is to be accorded a special benefit beyond benefits shared with other institutions or conferences or is to receive a penalty or disqualification.

A committee member or NCAA staff member shall recuse him or herself from participating in proceedings (e.g., staffing a case or deliberating as a subcommittee member) of a waiver case when he or she is directly connected with the involved institution, including, but not limited to, a member of the committee member’s institution or institution’s conference. A committee or staff member with a personal relationship or institutional affiliation that reasonably would result in the appearance of bias or prejudice should refrain from participating in any manner in the processing of a waiver request. It is the responsibility of the committee or staff member to remove him or herself if a conflict exists. Institutional objections to a committee or staff member participating in a review of a case should be raised with and resolved by the chair or the most senior member of the committee as soon as recognized, but will not be considered unless the concern is raised prior to the scheduled teleconference. Exceptions to the recusal policy may be granted by the chair or most senior committee member due to time constraints.

A violation of the above rules by a member of the committee shall not invalidate the action taken by the committee if, following disclosure of the conflict of interest, the committee authorizes, ratifies or approves the action by a vote sufficient for the purpose, without counting the vote of the committee member with the conflict of interest, and the appropriate oversight body approves the action.
Abuse of one’s position as a member of a committee may result in dismissal from that position. Where such abuse appears evident, a committee member will be notified by the committee chair and will have the opportunity to present a rebuttal or details of the situation.

17. Confidentiality. Subcommittee members shall not communicate any information regarding specific initial-eligibility waivers to anyone other than NCAA staff or other subcommittee members. This includes, but is not limited to, communication with institutional staff members or non-staff representatives regarding an initial-eligibility waiver appeal.

The staff shall maintain confidentiality in all initial-eligibility waivers and shall not confirm or deny the existence of a waiver until a decision is rendered in accordance with the prescribed procedures. However, if the institution makes a public announcement concerning a waiver, the director of academic review (or designee) may confirm information made public and may address erroneous or incomplete information about matters made public by the institution, prospective student-athlete or other involved individual. The national office may issue a press release on behalf of the NCAA, as the Eligibility Center vice president deems appropriate.

18. Speaking Agent. The president of the Association and the chair of the NCAA Board of Governors are the only individuals authorized to speak on behalf of the Association except as outlined below. An individual representing a member institution or conference who speaks or opines on an Association issue only has the authority to express the view of that individual or the member institution or conference unless the individual has been designated by the Board of Governors of the Association as a speaking agent of the Association on that issue. Committee chairs are hereby designated as speaking agents of their committees regarding issues within their committees’ jurisdiction on which there is consensus, except that positions of advocacy on behalf of the committee or the Association to be communicated in writing or orally to persons or entities external to the Association must have prior approval by the Board of Governors or the president of the Association. The president of the Association is hereby granted authority to designate additional speaking agents of the Association.

19. Absences. Initial-eligibility waiver appeals may be time sensitive. If a subcommittee member is unable to participate on a teleconference, he or she is responsible for notifying the staff liaison as quickly as possible. The subcommittee chair may request removal of a subcommittee member if repeated absences occur.