



**NCAA Division I Committee for Legislative Relief
Information Standards, Guidelines and Directives
(Updated May 2018)**

The NCAA Division I Committee for Legislative Relief (formerly the NCAA Division I Management Council Administrative Review Committee) was created (in 1993) as a response to the NCAA membership's desire for more rules flexibility. This committee of the NCAA Division I Council (formerly the NCAA Division I Legislative Council) reviews the application of NCAA legislation in cases where the circumstances are extraordinary in nature [NCAA Division I Bylaw 5.4.1.3 (committee for legislative relief)]. In April 2008, as a result of the transition to the new Division I governance structure, the former Administrative Review Committee was renamed the NCAA Division I Committee for Legislative Relief; and the equivalent waiver committees in Divisions II and III are the NCAA Division II Committee for Legislative Relief and the NCAA Division III Management Council Subcommittee for Legislative Relief.

Division I Committee for Legislative Relief Authority.

At its October 2003 meeting, the Division I Legislative Council approved the committee's recommendation affording the committee authority to waive the application of a rule when the circumstances of the case do not fit the intended consequences of the rule, even when the result could be a temporary rule change. The committee received endorsement from the Legislative Council for a shift in the philosophy of the legislative relief process affording the committee with the authority to waive legislation, prior to Legislative Council input, when circumstances arise that do not seem to be an intended consequence of legislation (i.e., the strict application of the rule based on its intent seems "overreaching" given the fact situation) even if granting such a waiver will essentially result in a temporary rule change in these limited instances.

Some potential guidelines for the committee when considering such an issue are below:

1. Minimal to no competitive or recruiting advantage will result from the waiver being granted.
2. Student-athletes collectively benefit from the granted waiver (as opposed to a select group of student-athletes benefiting at the cost of others).
3. The activity being prohibited from the rule appears to be an unintended consequence.

The committee believes that implementing any widespread, long-term changes should ultimately be accomplished through the legislative process. However, with the alteration of the timeline of the current legislative process and the less bureaucratic, more responsive philosophy, the committee believes that short-term relief may be provided to student-athletes when circumstances meet the proposed guidelines. Further, the committee would continue to review any adopted guidelines with the Legislative Council and, if the Legislative Council were not supportive, those legislative relief waiver cases decided in accordance with the guidelines would be archived.

Bylaw 11.

Information Standards for NCAA Division I Bylaws 11.4.2, 11.4.3, 11.4.4, 13.8.3.2, 13.8.3.3 and 13.8.3.4. Individual Associated with a Prospective Student-Athlete – FBS Football, Men's Basketball and Women's Basketball.

During its November 2017 meeting, the committee approved information standards for waivers involving individual associated with a prospective student-athlete legislation in the sports of FBS football and men's basketball and individuals associated with a recruited prospective student-athlete legislation in the sport of women's basketball.

Specifically, an institution seeking relief of the legislation will be required to provide the following:

1. Statement from the institution detailing the following:

- a. How the individual triggered the definition of an individual associated with a prospective student-athlete.
- b. Chronology of events related to the hire.
 - (1) Date the institution posted job description for the noncoaching staff or strength and conditioning coach position;
 - (2) Documentation that the institution followed its normal process for posting open positions;
 - (3) Number of applicants who applied for the position;
 - (4) Date of the individual associated with a prospective student-athlete's interview;
 - (5) Date of the institution's offer of employment or intent to hire the individual associated with a prospective student-athlete;
 - (6) Date the institution began recruiting the prospective student-athlete;
 - (7) Date the prospective student-athlete committed to the institution;
 - (8) Information regarding whether or not the position is an already established position or a new position;

- (9) Events that led to the hire (e.g., previous relationship); and
- (10) Statement from head coach regarding decision to hire individual associated with the prospective student-athlete.

2. Statement from individual associated with a prospective student-athlete detailing the following:

- a. Involvement in the prospective student-athlete's recruitment at the institution and, if applicable, at the previous institution.
- b. Statement detailing the nature of the contact (e.g., type of contact, duration, was there a break in communication) throughout the relationship with the prospective student-athlete.
- c. An explanation regarding the contact made with the prospective student-athlete regarding the individual associated with a prospective student-athlete's possible employment (e.g., was the individual associated with a prospective student-athlete aware of the institutions recruitment of the prospective student-athlete).

3. Statement from the prospective student-athlete detailing the following:

- a. Individual associated with a prospective student-athlete's involvement in the prospective student-athlete's recruitment at the institution and, if applicable, at the previous institution.
- b. The nature of the contact (e.g., type of contact, duration, was there a break) throughout the relationship with the individual associated with the prospective student-athlete).
- c. An explanation regarding the contact made with the individual associated with a prospective student-athlete regarding his or her possible employment (e.g., was the prospective student-athlete aware of the individual associated with a prospective student-athlete's interest in a position at the institution).
- d. Statement from prospective student-athlete explaining enrollment decision.

4. If the involved prospective student-athlete is transferring from an NCAA four-year institution, a statement from administration at the previous institution indicating its support for the transfer; and

5. After thorough review of the information presented, legislative relief staff will review and consider the intent of the legislation and determine whether the facts presented provided the institution with a recruiting advantage.

Bylaw 12.

Delayed Enrollment Legislation [Bylaws 12.8.3.2, 12.8.3.2.1, 12.8.3.2.2, 12.8.3.2.2.2 and 12.8.3.5] – Guidelines, Information Standards and Directives.

1. Waivers Involving Military Service.

a. Guidelines.

During its September 2013 meeting, the committee revised the relief that can be provided for waivers involving Bylaws 12.8.3.2.1 (delayed enrollment – sports other than men's ice hockey, skiing and tennis) and 12.8.3.2.2 (tennis) for student-athletes who became subject to the legislation during his or her participation in military service. This guideline does not apply to relief of Bylaws 12.8.3.2.2.2 (matriculation after 20th birthday – tennis) and 12.8.3.5 (participation after 21st birthday – men's ice hockey and skiing).

Specifically, the committee agreed relief should be provided for the season(s) of competition that a student-athlete became subject to under Bylaws 12.8.3.2.1 and 12.8.3.2.2-(a) and the year-in-residence requirement provided the student-athlete's participation in organized competition occurred during the student-athlete's participation in military service and the student-athlete was not designated as exceptional or elite-athlete status as defined by the student-athlete's home country.

The committee agreed in cases in which a student-athlete's participation in organized competition occurred during the student-athlete's participation in military service and the student-athlete was not exempt from military obligations to participate in the student-athlete's sport or the student-athlete did not satisfy his or her military obligation by representing the country in athletics competition(s), relief should be provided for the season(s) of competition and the academic year-in-residence requirement. Additional mitigation or extenuating circumstances unrelated to the assertion of military service shall be reviewed on a case-by-case basis to determine if relief is warranted.

This change is effective February 1, 2014, for any student-athlete initially enrolling as a full-time student at a Division I institution on, or after, August 1, 2013.

The committee noted staff could provide full relief (i.e., season(s) of competition and academic year-of-residence requirement) from the delayed enrollment legislation when the following information or circumstances are presented for cases involving military service:

- (1) Military service must be supported by objective documentation;
- (2) The service must occur immediately after the student-athlete's completion of high school (as defined and required in the rule) and the student-athlete must enroll as a full-time student at a collegiate institution at his or her first opportunity once he or she is released from military service; and
- (3) The participation may only be of an amateur nature and there can be no amateurism violations as a result of the participation (e.g., prize money, contract, professional competition).

Specifically, the guidelines only apply to training and competition that occurs while a student-athlete is fulfilling his or her military service. No relief shall be provided if a student-athlete subjects himself or herself to the legislation either prior to enlistment in the military and/or after the student-athlete is discharged from military service (regardless of whether the student-athlete had an opportunity to enroll at the time of discharge). Thus, following graduation from high school, a student-athlete must begin his or her military service prior to becoming subject to the legislation and must cease all competition on being discharged from military service in order to receive protection under the guidelines.

In regard to a student-athlete who has received exceptional or elite-athlete status in the military, the committee agreed relief could only be provided for the season(s) of competition that a student-athlete became subject to under Bylaws 12.8.3.2.1 and 12.8.3.2.2-(a); however, no relief may be provided by the staff for the academic year in residence.

If the student-athlete was exempt from military obligations to participate in the student-athlete's sport or the student-athlete satisfied his or her mandatory military obligation by representing the country in athletics competition(s) (i.e., exceptional or elite-athlete status as defined by the student-athlete's home country), the committee agreed that relief could only be provided for the season(s) of competition that a student-athlete became subject to under Bylaws 12.8.3.2.1 and 12.8.3.2.2(a); however, no relief may be provided by the staff for the academic year in residence. Additional mitigation or extenuating circumstances unrelated to the assertion of military service shall be reviewed on a case-by-case basis to determine if relief of the academic year in residence is warranted.

This change is effective February 1, 2014, for any student-athlete initially enrolling as a full-time student at a Division I institution on, or after, August 1, 2013.

The committee noted staff could consider partial relief (i.e., season(s) of competition) from the delayed enrollment legislation when the following information or circumstances are presented for cases involving elite-athlete status for student-athletes participating in military service:

- (1) Military service must be supported by objective documentation;
- (2) The service must occur immediately after the student-athlete's completion of high school (as defined and required in the rule) and the student-athlete must enroll as a full-time student at a collegiate institution at his or her first opportunity once he or she is released from military service; and
- (3) The participation may only be of an amateur nature and there can be no amateurism violations as a result of the participation (e.g., prize money, contract, professional competition).

Specifically, the guidelines only apply to training and competition that occurs while a student-athlete is serving in the military. No relief shall be provided if a student-athlete subjects himself or herself to the legislation either prior to enlistment in the military and/or after the student-athlete is discharged from military service (regardless of whether the student-athlete had an opportunity to enroll at the time of discharge). Thus, following graduation from high school, a student-athlete must begin his or her military service prior to becoming subject to the legislation and must cease all competition on being discharged from military service in order to receive protection under the guidelines.

b. Information Standards.

- (1) Military service must be supported by objective documentation (e.g., service enlistment date, service discharge date, attendance report that includes all leave time taken by the student-athlete to practice, train and/or compete in his or her sport);
- (2) Date of high school graduation as determined by the NCAA Eligibility Center. [NOTE: If the individual never received an amateurism certification from the NCAA Eligibility Center, then the institution must determine the date of high school graduation as defined and required in Bylaws 12.8.3.2.1 and 12.8.3.2.2;

- (3) Certification that the individual's participation since graduation from high school was amateur in nature. There can be no amateurism violations as a result of the individual's participation (including during the one-year grace period);
- (4) Documentation related to the amount of competition the individual participated in during each year that the student-athlete was subject to the legislation. This documentation must include the actual dates of competition on which the individual competed as opposed to the dates of the scheduled events in which the student-athlete competed;
- (5) Documentation that the individual immediately enrolled as a full-time student at a collegiate institution at his or her first opportunity on being discharged from military service. [NOTE: The guidelines specify no relief will be provided if the student-athlete continues to compete after being discharged from his or her military service and prior to initial enrollment];
- (6) Documentation confirming whether the student-athlete did or did not receive exceptional or elite-athlete status while enlisted in the military; and
- (7) Additional documented mitigation (e.g., circumstances outside of the individual's or institution's control), if any, related to why relief is warranted from Bylaws 12.8.3.2.1 and 12.8.3.2.2.

2. Bylaw 12.8.3.5 (Participation After 21st Birthday – Men's Ice Hockey and Skiing).

- Directive.

Its October 2000 meeting, the committee issued a directive to deny requests to waive Bylaw 12.8.3.5 in light of historical intent of the legislation and a defeated legislative proposal to exempt competition associated with international military service from the 21st birthday rule (even if the international military service was mandatory). The staff published an article in the November 20, 2000, edition of The NCAA News regarding the committee's policy. The committee reaffirmed its October 2000 directive regarding military service during its March 2010 meeting and noted that it applies to all situations under Bylaw 12.8.3.5, including the legislative changes effective August 1, 2010, related to men's ice hockey and skiing.

3. Common Assertions for Relief.

- **Guideline.**

During its March 2010 meeting, the committee reviewed the most common assertions submitted as a basis for relief for waiver requests involving Bylaws 12.8.3.2.1 (delayed enrollment – sports other than men's ice hockey, skiing and tennis), 12.8.3.2.2 (delayed enrollment – tennis), 12.8.3.2.2.2 (matriculation after 20th birthday – tennis) and 12.8.3.5 (participation after 21st birthday – men's ice hockey and skiing). The committee noted that the most common assertions submitted as mitigation are as follows:

- (1) The student-athlete participated in a minimal amount of competition or the type of competition was not of the caliber that should subject a student-athlete to the use of season(s) of competition;
- (2) The student-athlete is an international student and/or did not have knowledge of the amateurism legislation, delayed enrollment legislation or NCAA rules in general prior to participating in competition resulting in the use of season(s) of competition;
- (3) The institution discovers that the student-athlete is subject to the use of season(s) of competition after the student-athlete enrolled and began competing at the institution; and
- (4) The student-athlete relied on misinformation from various NCAA coaching staff members or the applicant institution's coaching staff during the recruitment process and/or was not informed of the legislation.

The committee agreed that while it will continue to review requests on a case-by-case basis, the assertions in and of themselves will not likely result in relief from the legislation without the demonstration of extenuating or extraordinary circumstances.

The committee noted the primary analysis for such waiver requests shall focus on the circumstances outside of the student-athlete's control (e.g., specific event that necessitated the delay such as a financial hardship or the death of a family member) that necessitated the individual's delayed collegiate enrollment. Specifically, the staff and committee will evaluate the duration of time that the mitigation impacted the student-athlete's ability to enroll (e.g., chronology of events), what circumstances have changed related to the specific event (e.g., how has situation improved or changed) and whether or not the student-athlete initially enrolled at his or her first opportunity after the mitigation was remedied.

Bylaw 13.

1. Local Sports Clubs [Bylaws 13.11.2.4 and 13.11.2.4.1] – Information Standards.

During its October 2002 meeting, the committee approved information standards for institutions requesting to waive the local sports-club legislation.

If an institution is seeking a waiver on behalf of a prospective student-athlete to allow participation in local sports clubs beyond the permissible 50-mile limitation, the following information must be submitted:

- a. Documentation of other opportunities (if any) for clubs that exist within the 50-mile radius; or
- b. Other opportunities outside the 50-mile radius without institutional involvement. If there are other club opportunities available to the prospective student-athlete within the 50-mile radius, the request will be denied unless extenuating circumstances are presented.

If an institution is seeking a waiver on behalf of one of its coaches to participate in a local sports club that does not meet the legislation, the following information must be submitted:

- a. Documentation of the extenuating circumstances that caused the waiver to be submitted; and
- b. An indication of the time frame of the coach's continued involvement with the club team. If the institution is seeking a waiver to permit the coach to continue with a club indefinitely or for a substantial amount of time, the request will be denied.

Lastly, in all local sports-club requests, the committee will require documentation from the institution indicating whether the institution is recruiting the involved prospective student-athlete and whether it is willing to abstain from recruiting the prospective student-athlete if the waiver is granted.

2. Summer Basketball Leagues [Bylaws 13.18 and 13.18.1] – Guideline.

At the January 2003 Division I Management Council meeting, the legislation was amended to require that participants on nonscholastic teams be legal residents of the state in which the team is located or a geographically adjoining state and not more than a total of three prospective student-athletes from adjoining states may participate on any one nonscholastic team.

During its April 2003 meeting, in preparation for the possibility of future legislative relief requests seeking to waive this legislation, the committee has consulted with the chair of the NCAA Division I Men's Basketball Issues Committee and approved the following guideline: Relief from the strict application of the legislation should be granted only in situations in which no permissible team exists that will allow a prospective student-athlete the opportunity to participate in any NCAA-certified event.

Bylaw 14.

1. Initial-Eligibility Issues [Bylaw 14.3] – Guidelines.

During its October 2000 meeting, the committee reviewed situations where institutions were seeking an additional season of competition or attempting to change a student-athlete's certification as a partial qualifier or a nonqualifier. The committee determined that since another body exists to address initial-eligibility violations, the committee should not review these cases. The committee determined that it would no longer review requests to waive Bylaw 14.3 with the exception of Bylaw 14.3.4, inasmuch as there is no body in place to review the transfer aspect of the initial-eligibility legislation.

2. Guidelines for Waivers Involving Bylaws 14.3.2.3 (Outside Competition – Nonqualifier) and 17.31.1 (Outside Competition – Sports Other Than Basketball).

During its March 2014 meeting, the committee agreed that relief may be provided for waivers involving Bylaws 14.3.2.3 and 17.31.1 for nonqualifiers to practice or compete on an outside team during the academic year of residence.

Specifically, the committee agreed relief could only be provided when the following information or circumstances are presented:

- a. The competition must be elite-level competition (e.g., national team);
- b. The competition occurs during a vacation period between terms and during a holiday or official vacation period as listed on the institution's academic calendar; the student-athlete shall not miss class time or other academic support (e.g., tutoring);
- c. The competition is limited to one event during the first regular academic term and a maximum of two events per year;
- d. The student-athlete must be meeting all NCAA and conference progress-toward-degree requirements and be in good academic standing as defined by the institution; and

- e. The waiver request must include a letter of support from the faculty athletics representative.

The committee noted that waivers of this legislation will be reviewed on a case-by-case basis. (*Adopted March 2014*).

3. Academic Year-of-Residence Legislation [Bylaw 14.5] – Information Standards, Guidelines and Directives.

During its April 2018 meeting, the Division I Council approved an amendment to the committee's polices to specify that immediate eligibility may be provided in certain situations. For a waiver to be granted, an institution must demonstrate that the student-athlete's transfer is due to documented mitigating circumstances outside of the student-athlete's control and directly impacts the health, safety or well-being of the student-athlete. Further, the student-athlete's overall academic record (e.g., meeting progress-toward-degree requirements, likelihood of graduation) and the previous institution's position on the request will be evaluated.

This change is effective for all undergraduate transfers seeking immediate eligibility during the 2018-19 academic year and thereafter.

The committee agreed that while it will continue to review requests on a case-by-case basis, the most common assertions submitted as mitigating circumstances are outlined in the remainder of this section.

4. Assertions of Egregious Behavior.

- Guidelines.

During its February 2016 meeting, the committee reviewed waivers involving assertions of egregious behavior by a staff member or a student at the previous institution and determined that immediate eligibility is appropriate.

The committee approved the following guidelines regarding assertions of egregious behavior:

- (1) In cases where the student-athlete was a victim of objective, documented egregious behavior by a staff member or student at the previous institution and the previous institution does not oppose the waiver, staff may grant immediate eligibility.
- (2) In cases where the applicant institution cannot document that the student-athlete was the victim of egregious behavior by a staff member or a

student at the previous institution or the previous institution does not oppose the waiver, staff should review on a case-by-case basis.

5. Transfer to a Service Academy.

- Guidelines.

During its February 2016 meeting, the committee reviewed waivers involving student-athletes who transfer to a service academy, and determined that immediate eligibility is appropriate given the student-athlete's required commitment to enter military service at the conclusion of four years of enrollment.

6. Assertions of Misinformation.

- a. Guidelines.

During its July 2004 and April 2008 meetings, the committee reviewed case precedent and affirmed the continued application of the October 1999 information standards in cases involving assertions of misinformation. The committee also affirmed that the staff should continue to include consideration of other factors including student-athlete well-being, competitive advantage, fairness, academic record, the intent of the rule and additional circumstances outside the control of the student-athlete and/or institution.

The committee reviewed whether relief is appropriate for circumstances when the sources of academic misadvisement are coaching staff members from a two-year institution, an NCAA institution or an NAIA institution. The committee determined that it would review these circumstances on a case-by-case basis but were inclined to deny. The committee also reviewed whether a student-athlete's initial-eligibility status should be taken into consideration for 2-4 transfers and determined that it would review requests on a case-by-case basis, but did acknowledge the difference between nonqualifiers and qualifiers.

The committee approved the following guidelines in regards to assertions of misinformation:

- (1) In cases where the misinformation provided by the previous four-year institution led to the student-athlete being ineligible and applicant institution can document that the student-athlete would have been eligible had he or she attended applicant institution directly, relief should be provided (e.g., 2-4-4 transfer).

- (2) In cases where the student-athlete relied in good faith on the academic misinformation and had correct information been provided, it was determined that the student-athlete could have met the necessary transfer requirements, and, but for the misinformation, he or she could have been eligible, relief should be provided. In situations involving misinformation, if the student-athlete is not eligible at any Division I institution, regardless of the misinformation received, the request should be denied provided the request for relief is solely based on the misinformation.
- (3) In cases where the misinformation cannot be documented and absent other extenuating circumstances, the committee directed the staff to deny these cases.

b. Information Standards.

The staff presented a report on cases involving misinformation/inaccurate advice from institutional administrators and proposed new information standards for these types of waivers. The committee determined that if an institution is claiming misinformation as a mitigating circumstance, the following must be included in the request:

- (1) The institution must submit a written statement of explanation from the person or persons responsible for or accused of providing erroneous information, which summarizes the information given to the student-athlete.
- (2) If available, contemporaneous documentation demonstrating the misadvice (e.g., notes, phone logs, etc.).
- (3) Written statement from the student-athlete in question demonstrating whether the student-athlete, in good faith, relied on the erroneous information to his or her detriment. The statement should also include a chronology of events.

The committee required that if the applicant institution benefits (waiver request is granted) as a result of misinformation, a lack of information or institutional error in which a student-athlete(s) is detrimentally impacted by the actions of institutional personnel, then the chancellor or president of the applicant institution will be notified by letter from the staff detailing the chronology of the institution's/individual's actions. A member of the staff or committee may call an

institution's chancellor or president to provide notice regarding the institution's plans to prevent future instances of misinformation/error when an institution has submitted multiple waiver requests involving misinformation, a lack of information or institutional error that has detrimentally impacted a student-athlete.

7. **Assertions of Injury/Illness.**

a. Guidelines.

During its January 2004 meeting, the committee reviewed case precedent and affirmed the October 1999 information standards for assertions of injury or illness. The committee also approved the following guidelines:

- (1) If the institution is unable to provide documentation to substantiate the injury or illness, the case should be denied.
- (2) If the institution does provide documentation substantiating the injury or illness and the injury or illness necessitated the transfer, the case should be granted. If the institution provides documentation substantiating an injury or illness, but the injury or illness is ancillary to the facts and thus does not relate to the need to transfer, the case should be denied.

During its September 2012 meeting, the committee reviewed waiver requests submitted for student-athletes in sports that cannot use the one-time transfer exception that involved an asserted injury or illness to the student-athlete or a family member as the primary basis for relief. The committee reviewed the common circumstances submitted for such waiver requests and instructed the staff to continue reviewing such requests on a case-by-case basis. In addition, the committee noted a one-year extension of the five-year clock should be considered when the following circumstances are appropriately documented:

- (1) Nature of injury or illness. Staff should consider relief of the legislation for circumstances involving a medically documented debilitating injury or illness (including mental illness) to a student-athlete's immediate family member (e.g., mother, father, sibling, child, legal guardian) creating dependency on the student-athlete;
- (2) Student-athlete's responsibilities related to the care of the family member. Staff should consider relief of the legislation when the student-athlete can demonstrate he or she is providing ongoing, caregiving responsibilities to the individual(s) who is injured or ill. Additionally, the applicant institution must be within a 100-mile radius of the student-athlete's injured or ill family member's home;

Chronology of events. Staff should consider relief of the legislation when the chronology of events supports the necessity for the student-athlete to transfer. The student-athlete must transfer within or immediately after the academic year once becoming aware of the injured or ill family member's diagnosis, change in medical condition or family circumstances; and

- (3) Terminal illnesses. The committee has instructed staff to review requests, on a case-by-case basis, involving an injury or illness to a family member that has been diagnosed and documented as terminal (i.e., individual has less than a year to live) but does not meet the requirements of the previous guidelines.

b. Information Standards.

During its September 2012 meeting, the committee adopted the following standards for situations in which a waiver of legislation is requested and the mitigation provided by the institution involves an injury or illness:

- (1) The institution must submit written documentation from the professional who diagnosed the family member's condition;
- (2) The institution must provide contemporaneous medical documentation from the treating professional clearly stating how the injured or ill family member is debilitated;
- (3) A letter from the student-athlete explaining the need for relief from the legislation; and
- (4) The institution must submit a statement from the athletics director and faculty athletics representative confirming the student-athlete will be permitted to depart from the team in order to fulfill care responsibilities for the injured or ill family member and ensuring the coaching staff does not oppose the student-athlete's departure from the team.

8. Transfers of Male Student-Athletes Due to Notice of Pregnancy/Birth of his Child.

• Guidelines.

During its October 2010 meeting, the committee noted that, for waiver requests of Bylaw 14.5.5.1 (four-year college transfers) involving transfers of male student-athletes from one four-year college to another four-year college due to the pregnancy or birth of a child, relief may be provided if:

- (1) A male student-athlete transfers from one four-year institution to a second four-year institution at the first opportunity after learning of the mother's pregnancy or transfers at the first opportunity after the birth of the child;
- (2) The male student-athlete will share in the day-to-day responsibilities of caring for the child; and
- (3) The previous institution does not oppose the waiver request.

9. Assertions of Financial Hardship.

a. Guidelines.

During its January 2004 meeting, the committee reviewed case precedent and affirmed information standards for assertions of financial hardship and the directive to deny requests involving a transfer for financial reasons in which the documentation is not provided to meet the information standards. Further, the committee indicated that the information standards should require the financial hardship to be a result of a specific incident. The committee noted that when a student-athlete's transfer is the result of a specific event causing a financial hardship and supporting objective documentation is provided, a one-year extension of the five-year clock may be considered.

b. Information Standards.

During its October 2009 meeting, the committee revised the information standards for situations where the institution requests a waiver when the student-athlete's previous transfer was necessitated by financial considerations due to the parents' financial difficulties:

- (1) The institution must submit documentation of the cause of the financial hardship (e.g., bankruptcy, layoff, illness, etc.).
- (2) The institution must demonstrate that the financial difficulty has a direct link to warranting relief from the legislation (e.g., student-athlete is forced to transfer to work and support family).
- (3) Detailed chronology of events related to the financial hardship. For example (this is not an exhaustive list):
 - (a) Date when hardship onset.
 - (b) Date student-athlete became aware of the hardship.

- (c) Date student-athlete initiated transfer process from original institution (e.g., requested permission to contact).
 - (d) What circumstances, if any, have changed related to the financial hardship?
- (4) Cost of attendance at previous institution and applicant institution.
 - (5) Actions, if any, student-athlete took to remain at the original institution (e.g., update Free Application for Federal Student Aid, apply for additional student aid).
 - (6) Documentation demonstrating student-athlete's total financial aid situation at the previous institution and applicant institution (e.g., loans student-athlete was eligible for, loans student-athlete accepted, amount of athletics aid, other financial aid).
 - (7) Contributions student-athlete's parent(s) or legal guardian(s) paid toward student-athlete's education at the previous institution and applicant institution, if any.
 - (8) Student-athlete's responsibilities, if any, related to providing financial support for his or her family.
 - (9) Statement from previous institution indicating position on the waiver (e.g., support or oppose).
 - (10) Student-athlete's academic status at the time of departure from the previous institution (e.g., good academic standing and progress-toward-degree requirements).
 - (11) Student-athlete's anticipated graduation date from applicant institution.
 - (12) Other factors influencing the student-athlete's decision to transfer (e.g., playing time, coaching change, pursuit of different academic degree program).

10. Assertions of Academic and Athletics Reasons.

a. Guidelines.

During its February 2016 meeting, the committee determined that cases involving transfers for athletics reasons should be denied. However, the committee directed

the staff to continue to review requests on a case-by-case basis for extenuating circumstances which may warrant relief from the transfer legislation.

b. Information standards.

The committee adopted the following information standards for transfers for academic reasons:

- (1) The institution to which the student-athlete is transferring will be required to acquire a letter noting that it offers the desired program and that the student-athlete has completed the necessary prerequisite courses for admission into the program.
- (2) Provide a statement from the institution noting that the student-athlete has the necessary credit hours to meet progress-toward-degree requirements at the institution.
- (3) A copy of the student-athlete's academic transcripts from all previous institutions attended.
- (4) If transferring due to academic discontinuation and the student-athlete does not meet the criteria of the one-time transfer exception, the institution shall include a letter from the dean or appropriate academic authority at the original institution documenting that the program has been discontinued.

c. Directive.

The committee directed the staff to deny cases under the following asserted academic reasons:

- (1) Student-athlete transfers because the degree program does not meet his or her academic expectations.
- (2) The institution or the student-athlete is unable to provide documentation supporting the transfer for academic reasons.
- (3) The student-athlete transferred for academic reasons on more than one occasion.
- (4) The student-athlete transferred to change majors.

11. Transfer-Residency Requirement Due to Institutional Denial of Transfer Release – Directive.

During its October 2002 meeting, the committee reaffirmed its directive regarding waiver requests of the one-time transfer legislation when an NCAA institution has denied a one-time transfer release to a student-athlete. The committee did not believe it should overturn these types of decisions and that the staff should deny these cases during the staff's first review of the case on behalf of the committee. The committee directed the staff to continue to monitor situations where student-athletes transfer from a NAIA institution to an NCAA institution without a release and report back to the committee regarding whether a legislative change is warranted.

12. Assertions Involving Diagnosed Education-Impacting Disabilities – Information Standards and Guidelines.

- a. Guidelines for assertions involving diagnosed education-impacting disabilities.

During the committee's October 2000 meeting, the staff provided the committee with an overview of cases processed where an education-impacting disability was included in the request. The staff informed the committee that it has reviewed two main types of cases, one where the education-impacting disability resulted in the need for relief and another where the education-impacting disability is not a direct factor in the request for relief. The committee adopted information standards for cases in which an education-impacting disability necessitates the need for a waiver. In its March 2014 meeting, the committee updated the information standards for these types of waivers.

- b. Information standards for assertions involving diagnosed education-impacting disabilities.

The committee adopted the following information standards for cases in which an education-impacting disability necessitates the need for a waiver:

- (1) The institution must submit a current, signed documentation of the diagnosis (including test data) and/or recommendations from the treating professional (e.g., medical doctor, clinical psychologist, other qualified individual). If specific circumstances of the case indicate that this requirement is unnecessary, a prior diagnosis may be acceptable. (NOTE: The staff or committee reserves the right to request a second opinion or diagnosis).
- (2) If appropriate, the applicant institution should provide contemporaneous documentation from an individual who is qualified and licensed to

diagnose and treat (e.g., psychiatrist, psychologist) the student-athlete with a mental health disorder (e.g., depression, anxiety, PTSD).

- (3) The institution must submit a written statement from the student-athlete that addresses the impact of the diagnosed disability on his or her academic performance and its relation to the desired request for relief.
- (4) If the student-athlete has voluntarily disclosed to the office of disability services, the institution must provide documentation of the specific accommodations or academic adjustments granted to provide access to the student-athlete. This summary must include accommodations provided by the institution with respect to the student-athlete's disability, as well as academic and other support services provided and any institutional accommodations related to adjustments of minimum performance requirements. If the institution offers any accommodations with respect to the student-athlete's athletics responsibilities, those should be indicated as well.
- (5) In a transfer situation, the applicant institution should provide documentation demonstrating that the student-athlete with an education-impacting disability needed support services and/or treatment that was unavailable and/or inadequate at the previous institution but available at the applicant institution.

13. Assertions Student-Athlete was "Run Off" by Previous Institution.

During its September 2012 meeting, the committee discussed the relief that can be provided for waivers involving Bylaw 14.5 (transfer regulations) in which an institution asserts that the student-athlete was "run off" by his or her previous institution.

a. Guidelines.

The committee approved the following guidelines in regard to assertions of run off:

- (1) In cases in which a student-athlete is run off by the previous institution, relief should be provided if the student-athlete was otherwise eligible for use of the one-time transfer exception but could not use the exception due to a previous transfer (e.g., 4-4-4 transfer) or the student-athlete participates in a sport that is not eligible for the one-time transfer exception per Bylaw 14.5.5.2.10-(a) (one-time transfer exception).

- (2) If applicant institution is unable to document that the student-athlete was run off by his or her previous institution, or if the previous institution does not support the waiver request, the case should be denied.

b. Information Standards.

The committee adopted the following information standards for transfers asserting run off:

- (1) Documentation demonstrating that the student-athlete would not have had the opportunity to return to the previous institution's team for reasons outside the control of the student-athlete.
- (2) A written statement from the applicant institution indicating that the student-athlete is in good academic standing and meets all progress-toward-degree requirements at applicant institution.
- (3) A written statement from the student-athlete's previous institution indicating that the previous institution does not oppose the waiver request.

14. Death of an Immediate Family Member.

a. Guidelines.

During its September 2013 meeting, the committee reviewed case precedent involving assertions of the death of an immediate family member and approved the following guidelines:

- (1) If the institution is unable to provide documentation to substantiate the death of an immediate family member, the case should be denied.
- (2) If the institution does provide documentation substantiating that the death of an immediate family member necessitated the transfer, the case should be granted. If the institution provides documentation substantiating the death of an immediate family member, but the death is ancillary to the facts and, thus, does not relate to the need to transfer, the case should be denied.

During its September 2013 meeting, the committee reviewed waiver requests submitted for student-athletes in sports that cannot use the one-time transfer exception that involved an asserted death of an immediate family member as the primary basis for relief. The committee reviewed the common circumstances submitted for such waiver requests and instructed the staff to continue reviewing

such requests on a case-by-case basis. In addition, the committee noted a one-year extension of the five-year clock should be considered when the following circumstances are appropriately documented:

- (1) Immediate family member. Staff should consider relief of the legislation for circumstances involving the death of an immediate family member (e.g., mother, father, sibling, child, legal guardian);
- (2) Student-athlete's support system. Staff should consider relief of the legislation when the student-athlete transfers to an institution that is within a 100-mile radius of an immediate family member; and
- (3) Chronology of events. Staff should consider relief of the legislation when the chronology of events supports the necessity for the student-athlete to transfer. The student-athlete must transfer within or immediately after the academic year of the immediate family member's death;

b. Information Standards.

The committee adopted the following standards for situations in which a waiver of legislation is requested and the mitigation provided by the institution involves the death of an immediate family member:

- (1) The institution must submit documentation of the immediate family member's death (e.g., death certificate, obituary); and
- (2) A letter from the student-athlete explaining the need for relief from the legislation.

15. Requests to Waive Eligibility for Institutional Financial Aid Legislation [Bylaw 14.5.5.4] – Guideline.

During its September 2014 meeting, the committee transferred waiver authority of all Bylaw 14.5.5.4 waivers to the NCAA Division I Progress-Toward-Degree Waivers Committee. The committee determined that because another body exists to address eligibility for institutional financial aid, it would no longer review these cases.

16. Graduate Student Transfers [Bylaw 14.6.1] – Information Standards.

During its March 2011 meeting, the committee adopted the following information standards for waivers of Bylaw 14.6.1 for those student-athletes transferring for the 2007-08 academic year or thereafter:

- a. A letter from previous institution (e.g., athletics director, faculty athletics representative, president) stating it does not object to the student-athlete being immediately eligible.
- b. Documentation from the appropriate academic authority that the student-athlete has been accepted into a specific graduate program at the institution he or she wishes to transfer to.
- c. Documentation indicating whether the specific graduate degree is available at the previous institution.
- d. A statement from the student-athlete detailing the reasons for the transfer.
- e. A statement related to the student-athlete's status on the team at the previous institution (e.g., dismissed from the team for rules violation, disciplinary suspension).

Bylaw 15.

1. Retroactive Financial Aid [Bylaw 15.3.1.3] – Guideline.

During its October 2002 meeting, the committee approved the following guidelines for the staff to consider in evaluating retroactive financial aid cases: (1) Prior to the student-athlete commencing the academic work, it was agreed on by the student-athlete and the coaching staff, financial aid officer or other involved institutional administrator that the student-athlete would receive financial aid for the credit hours; and (2) Except for an administrative error or lack of communication, the student-athlete would have received the aid.

2. Period of Award (One-Year Period) and Assertions Involving Misinformation or Misapplication of the Legislation [Bylaw 15.3.3.1] – Guideline.

During its March 2010 meeting, the committee reviewed case precedent and determined that cases involving assertions of misinformation or a lack of information from institutional personnel (e.g., compliance, financial aid office, coaching staff member) for waivers of Bylaw 15.3.3.1 would be analyzed on a case-by-case basis; however, the committee is inclined to deny.

Bylaw 17.

1. Use of an Exhibition Game Against a Division I Institution to Raise Funds for Relief Efforts Related for Catastrophic Events

During its May 2018 meeting, the committee approved the following guidelines for the staff to consider in evaluating requests to use an exhibition game against a Division I institution to raise funds for relief efforts for catastrophic events:

- a. An institution may use one of its possible two exhibition games against a Division I institution for the purposes of raising funds for a catastrophic event, as defined by the Federal Emergency Management Agency;
- b. Exhibition game must occur prior to the first permissible contest date;
- c. Exhibition game may occur at any location, other than a prospective student-athlete's educational institution or a facility that is regularly used by prospective student-athletes for practice or competition;
- d. No relief provided of time demands legislation (e.g., required day off, return time of 5 a.m. on day following competition);
- e. All net proceeds from exhibition game must go to a 501(c)(3) to support humanitarian efforts for the catastrophic event;
- f. The catastrophic event must have occurred after the previous basketball season's NCAA Division I Men's Basketball Championship game or NCAA Division I Women's Basketball Championship game; and
- d. Institutions must report back to the NCAA the amount of money raised from the exhibition game and the name of the 501(c)(3) within 30 days following the date of the exhibition game.

The committee determined that requests to permit an institution's team to participate in an additional exhibition game or scrimmages should be denied and previously signed contracts will not be considered mitigating circumstances

2. Requests to Waive Outside Competition Legislation [Bylaw 17.31.1] – Directive.

Men's lacrosse: Minto Cup and Mann Cup. During its October 2006 meeting, the committee determined that based on the extended history of the Canadian Minto Cup and Mann Cup (since 1901), the small number of student-athletes participating each year

(four to six) and the amateur nature of the competition, relief via the waiver process could be provided as long as the student-athletes are missing no more than two days (i.e., 48 hours) of class and/or campus time (including weekends).

The committee determined that minimizing the amount of missed class time is consistent with the intent of the legislation and the overall principle that student-athletes should miss minimal class and/or campus time due to outside competition occurring during the regular academic year.