ACTION ITEMS.

1. Legislative Items.
   - None.

2. Nonlegislative Items.
   - Approval of NCAA Division III Management Council Subcommittee for Legislative Relief Policies and Procedures.
     (1) Recommendation. That Division III Management Council approve Subcommittee for Legislative Relief policies and procedures [see Attachment A].
     (2) Effective date. Immediate.
     (3) Rationale. During its August 2016 teleconference, the Subcommittee for Legislative Relief reviewed an updated policies and procedures document. Specifically, the subcommittee added a provision allowing the chair to vote when the chair’s vote is necessary to take formal action.
     (4) Budget Impact. None.
     (5) Student-Athlete Impact. None.

INFORMATIONAL ITEMS.

1. Welcome and Introductions. The subcommittee chair, Nnenna Akotaobi, welcomed subcommittee members and requested that subcommittee members review the roster for accuracy.

2. Approval of March 2016 Report. The subcommittee reviewed and approved the report from its March 7, 2016 teleconference.

3. Review Cases Decided from February 1, 2016, through July 31, 2016, by NCAA Division III Management Council Subcommittee for Legislative Relief and NCAA Staff. From February 1, 2016, through August 31, 2016, the subcommittee and/or staff received a total of 51 Division III waiver requests, of which 25 were decided. The following is a summary of the decisions made by the staff and subcommittee:
   - Staff approved 16 cases. Of the 16 cases that were approved, thirteen were approved with conditions and 10 were approved based on the totality of the
circumstances and/or student-athlete well-being. The subcommittee reviewed the 10 cases approved based on totality and/or student-athlete well-being and requested that staff archive one of those cases (see Attachment B).

4. **Review Membership Proposal --- Graduate/Postbaccalaureate Transfers.** The subcommittee reviewed a membership-sponsored proposal that would allow graduate and postbaccalaureate student transfers to be eligible to compete at Division III institutions. The subcommittee did not recommend a position on this proposal at this time. Rather, the subcommittee recognized arguments both in support of and in opposition to the proposal, which included the following:

- The proposed change would provide student-athletes an opportunity to continue their education while simultaneously pursuing athletic opportunities at other institutions;
- The Division III philosophy statement focuses on intercollegiate athletics as a four-year undergraduate experience; and
- The proposal could potentially create a competitive advantage for institutions with graduate programs.

5. **Review of Division III Previously Approved Waivers List.** The subcommittee reviewed the NCAA Division III Previously Approved Waivers Checklist [Reference: March 7, 2016, Educational Column], which provides flexibility for an institution to grant relief of NCAA legislation and submit a report to its conference office rather than filing a formal legislative relief waiver request. The subcommittee requested the addition of one item from the previously approved waivers checklist.

6. **Review of Subcommittee for Legislative Relief Guidelines.** The subcommittee reviewed and approved the updated guidelines document. Specifically, the subcommittee adjusted the language for the education impacting disability assertions section to be consistent with language based on American with Disabilities Act, as Amended. Additionally, the word academic was added to the graduate transfer directive to help clarify that a student-athlete must graduate with an undergraduate degree ahead of schedule in less than four academic years.

7. **Future Meetings.** The subcommittee chair reminded the subcommittee of the upcoming March 2017 meeting.

8. **Other business.** None.
9. **Adjournment.** The subcommittee adjourned at 11:15 a.m. Eastern time.

*Committee Chair: Nnenna Akotaobi, Swarthmore College, Centennial Conference*

*Staff Liaisons: Sarah Otey, Academic and Membership Affairs*

*Joni Williamson, Academic and Membership Affairs*

<table>
<thead>
<tr>
<th>Attendees:</th>
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</thead>
<tbody>
<tr>
<td>Nnenna Akotaobi, Swarthmore College; Centennial Conference, Chair.</td>
</tr>
<tr>
<td>Stevie Baker-Watson, DePauw University; North Coast Athletic Conference.</td>
</tr>
<tr>
<td>Kate Roy, Lyndon State College; North Atlantic Conference.</td>
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<tr>
<td>Karen Tompson-Wolfe, Westminster College; St. Louis Intercollegiate Athletic Conference.</td>
</tr>
<tr>
<td>Gerald Young, Carleton College; Minnesota Intercollegiate Athletic Conference.</td>
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<tr>
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<tbody>
<tr>
<td>Julie Soriero, Massachusetts Institute of Technology; New England Women’s and Men’s Athletic Conference.</td>
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<th>NCAA Staff Support in Attendance:</th>
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<tbody>
<tr>
<td>Sarah Otey and Joni Williamson.</td>
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<table>
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<tr>
<th>Other NCAA Staff Members in Attendance:</th>
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<tbody>
<tr>
<td>Jeff Myers and Erin Burke</td>
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The NCAA Division III Management Council Subcommittee for Legislative Relief (SLR), formerly the NCAA Division III Management Council Administrative Review Subcommittee (ARS), was created in 1993 as a response to the membership's desire for more rules flexibility. This group consists of a subcommittee of the NCAA Division III Management Council that reviews the application of NCAA legislation in cases where the circumstances are extraordinary in nature (NCAA Division III Bylaw 5.4.1.7). In October 20, 2015, the Management Council approved the integration of the NCAA Division III Committee on Academic Issues Subcommittee (AIS) into SLR; consequently, SLR is also specifically authorized to hear, deliberate and decide all waivers of the academic and full-time enrollment requirements and to consider relief from the application of NCAA legislation in Bylaws 14.01.2 (academic status); 14.1.7 (admission and enrollment); and 14.1.8 (full-time enrollment) and its subsections.

The philosophy of the Subcommittee for Legislative Relief is to review requests to waive the normal application of the legislation, appeal cases and render decisions while considering the following to determine if relief is appropriate:

1. The purpose or intent of the legislation;
2. Any information submitted by the applicant institution and student-athlete relative to, or affected by, the student athlete's institutional academic status;
3. The involvement and the overall well-being of the student-athlete;
4. A competitive or recruiting advantage; and
5. Prior case precedent.

NCAA member institutions, conferences and committees/subcommittees may apply for a SLR waiver when no other committee/subcommittee has the authority to waive specific NCAA legislation for extenuating/extraordinary circumstances.

Reporting Lines.

The subcommittee reports directly to the Management Council.

Subcommittee Composition and Terms.

1. The subcommittee shall consist of six members of the Management Council, one of whom shall be elected chair;
2. The subcommittee chair shall only cast a vote in the event of a tie;
3. Members shall serve terms of office in accordance with Management Council's legislated policies and procedures.

Absences (Bylaw 21.7.2.3).

A member of the subcommittee shall be replaced if:

1. The chair deems the member to not be discharging his or her subcommittee duties properly; or
2. He or she is absent from two consecutive meetings/teleconferences without reasons approved by the Management Council.

Waiver Submission Procedures.

1. Waiver requests shall be submitted to the NCAA national office via Requests/Self-Reports Online (RSRO).

2. Waiver submissions must be e-signed or have a signature uploaded in RSRO.

   a. Requests submitted by an institution require signatures from two of the following individuals of the involved institution (one of whom must be from outside the athletics department):

      (1) Chancellor, president or faculty athletics representative; and

      (2) Director of athletics or senior woman administrator.

   b. Requests submitted by a conference office shall be signed by both the commissioner (or executive director) and at least one conference officer (e.g., associate commissioner).

   c. Requests submitted by an NCAA committee or subcommittee shall be signed by the chair or a member of that committee or subcommittee.

3. Stamp signatures will not be accepted. Waiver submissions for individual student-athletes or prospective student-athletes are required to include a signed Buckley Statement.

4. The case will be considered complete and case processing timelines begin once all required information is uploaded into RSRO (either by the applicant institution or by AMA staff).

Review Guidelines.
1. **Documentation for Review.** A decision will be made by the staff and subcommittee based solely on the submitted written documentation from the applicant institution. The request shall include:

   a. The background of the involved situation;
   
   b. The reason(s) the institution, conference or NCAA committee or subcommittee believes relief from the application of the legislation is warranted; and
   
   c. Any additional information the institution, conference or NCAA committee or subcommittee believes is relevant to the case (e.g., medical documentation, educational transcripts, game schedules).

   NCAA committee or subcommittee members are prohibited from conducting independent research (e.g., online searches) in an effort to gather more facts/information regarding a pending request. When additional information or documentation is necessary, the subcommittee shall direct the staff to contact the applicant institution to request that the additional information or documentation be submitted.

2. **Review Timeline.** The institution, conference or NCAA committee or subcommittee will typically receive a decision through RSRO on its waiver submission within three weeks of receipt of the appropriate materials at the national office. It is important for the submitting institution, conference or NCAA committee or subcommittee to specify clearly the reason(s) the issue may be time sensitive.

3. **Urgent requests involving unforeseen circumstances (e.g., death, severe injury or illness, catastrophic events).** The subcommittee granted the staff authority to provide relief of the legislation via the telephone. An institution will be required to submit a formal waiver submission via RSRO to the NCAA staff within two business weeks of receiving the telephone waiver decision. Institutions are encouraged to call the staff anytime an unforeseen urgent issue arises in which relief of the legislation is necessary via the waiver process.

4. **Requests Involving Other Institutions, Conferences or Specific Student-Athletes.** For requests involving statements or assertions regarding another member institution's or conference's conduct or actions as a basis for relief, the applicant institution will be required to:

   a. Submit all application materials and supporting documentation to the member institution(s) or conference cited as part of the allegations; and
   
   b. Give the member institution(s) 10 business days for the chancellor or president, director of athletics, faculty athletics representative, senior woman administrator or in the case of a conference, the commissioner, to respond in writing to the subcommittee and provide a copy of the response to the applicant. The response will be included in the application materials for review.
For requests involving a specific student-athlete(s), a written release from the student-athlete(s) is required according to federal law (i.e., Federal Educational Rights and Privacy Act) for the staff to provide applicant's request materials or supporting documentation to another member institution.

5. **Transfer Waiver Requests.** For transfer waiver submissions, the legislative relief staff may request the following:

   a. A position on the waiver request from the previous institution;

   b. Any available information on the prospective student-athlete from the enforcement staff; and

   c. Information from applicant institution regarding any third-party involvement (e.g., attorney, advisor, former coach) in recruiting and transfer decision(s). This request may include follow-up on information received from the enforcement staff.

   In addition:

   d. The case manager may research the Internet for articles regarding the prospective student-athlete's recruitment to the previous institution and recruitment and transfer to the applicant institution.

6. **Cases Involving Misinformation, a Lack of Information or Institutional Error.** For cases in which a student-athlete(s) is detrimentally impacted by the actions of institutional personnel or if the applicant institution benefits (request is approved) as a result of the circumstances, 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.

   In situations where an institution has submitted multiple waiver requests involving misinformation, a lack of information or institutional error that has detrimentally impacted a student-athlete, a member of the staff or subcommittee may call an institution's chancellor or president to recommend that an institution establish a specific plan to prevent future instances of misinformation/error.

7. **Season of Participation Exception - Pending Subcommittee for Legislative Relief waiver.** A transfer student-athlete who has a SLR waiver request pending at the staff and/or subcommittee level may practice, but not compete, after the first contest or date of competition in the traditional segment in the student-athlete's sport without using a season of participation provided the staff has notified the institution both verbally and in writing (i.e., email) that the staff has received the institution's completed waiver application and relevant supporting documentation. The student-athlete may continue practice until a decision has been reached on the waiver request.
a. If the student-athlete's waiver request is denied, the institution shall, on verbal and written notification from the staff, immediately prohibit the student-athlete from participating in further practice with his or her team.

b. If the student-athlete's institution appeals the denial, the institution may permit the student-athlete to resume practicing with his or her team only on verbal and written notification from the staff that it has received the institution's request for appeal. If the subcommittee denies the institution's appeal, the student-athlete must cease practicing immediately on receiving verbal and written notification from the staff that the appeal has been denied.

c. If the waiver request is denied and the student-athlete continues to practice, he or she shall be charged with the use of a season of participation.

8. **Requests Involving Medical Documentation.** For requests involving medical documentation that does not clearly demonstrate that the requirements of a given waiver are met (e.g., noncontemporaneous, does not state the student-athlete or family member is debilitated), the information may be shared with a medical expert. The expert analysis shall be included as part of the waiver request to be considered by the legislative relief waiver staff and subcommittee for review.

9. **Requests Involving Issues, Arguments or Mitigation Regarding an Education-Impacting Disability.** For requests involving an education-impacting disability (e.g., impairments such as mental health disorders, eating disorders, learning disability, Attention Deficit Hyperactivity Disorder, medical conditions, deaf/hard of hearing), the information may be shared with an expert in that field. The expert analysis shall be included as part of the legislative relief waiver request to be considered by the legislative relief staff and subcommittee.

10. **Communication Protocol.** Members of the subcommittee shall not discuss a pending request with the NCAA staff, institutional representatives, the prospective or enrolled student-athlete, or his or her legal counsel without all parties having the opportunity to participate. Further, the subcommittee members may contact the staff to request that additional information about the case be obtained prior to a final decision.

All inquiries from the media should be forwarded to the national office for response.

11. **Archived Cases.** The subcommittee may archive cases based on a change in subcommittee philosophy (with appropriate notice given to the membership) or based on the decision date of a case (i.e., cases decided prior to a given date are designated as archived). Cases shall be archived by the staff every three years. The archived cases serve only as a historical resource to the membership and staff.
Review Procedures.

Per NCAA Constitution 4.7.3-(h), the Management Council has authorized the subcommittee to consider requests for relief from the application of NCAA legislation in instances where no Division III committee, subcommittee or NCAA staff member has the authority to act.

The staff may make a decision on behalf of the subcommittee (except for requests involving a blanket waiver). On request of the subcommittee, a waiver may be elevated directly to the subcommittee without a staff decision. A waiver may be elevated directly to the Management Council without either a staff or subcommittee decision only in instances when the subcommittee deems that Management Council would be the appropriate body to issue an initial decision on the request.

The staff and subcommittee should strive for consistency in treating issues involving similar circumstances.

Recusal Procedures.

It is the responsibility of a subcommittee member to recuse himself or herself from participation in the review of an institution's or conference's request if:

1. He or she is connected to that institution by employment, personal or conference affiliation; or

2. He or she has a personal relationship or institutional affiliation that reasonably would result in the appearance of bias or prejudice.

Institutional objections to a subcommittee member participating in the review of a request should be raised with the subcommittee chair as soon as recognized but will not be considered unless the concern is raised prior to the subcommittee's review of the matter.

All ex parte communication between applicant representatives and subcommittee members about a pending case is prohibited.

Appeals to the Subcommittee.

The subcommittee will serve as an appellate body for all staff decisions that the membership wishes to appeal. The subcommittee will maintain a standing appointment for a weekly teleconference to discuss the appeal cases. The subcommittee chair shall only cast a vote in the event of a tie vote amongst other subcommittee members present and voting or when a chair vote is necessary to take formal action. A simple majority is necessary for a decision. The subcommittee shall not consider appeals of decisions of an NCAA committee or subcommittee with legislative authority to act.

1. Timeline.

   Within 30 calendar days from the date on the initial staff decision letter, the applicant institution, conference, committee or subcommittee may appeal the staff decision to the
subcommittee. An appeal letter submitted to the associate director after the 30-day appeal period will not be processed.

- Exceptions to this policy may be granted by the chair when an institution is able to demonstrate, in writing, that exceptional circumstances caused the institution's appeal to be submitted beyond the 30-day appeal period. Appeals will be submitted to the subcommittee members for review on a weekly basis.

- At the institution's request, an institution may participate, via teleconference, during the subcommittee's review of a waiver. An institutional staff member (as opposed to a conference office staff member or external counsel) may participate on a subcommittee conference call to present the institution's case. Such a presentation is limited to five minutes, with additional time allotted for questions from subcommittee members. At the discretion of the chair, the institution's presentation may exceed five minutes. At the conclusion of the presentation and any questions, the institution shall exit the call and the subcommittee will deliberate privately.

2. Decision.

The subcommittee decision shall be communicated to the involved institution by the NCAA staff. A summary of the decisions of the staff and subcommittee shall be provided to the Management Council and NCAA Division III Presidents Council on a regular basis.

Reconsideration.

If new information becomes available after the subcommittee has denied a waiver request, an institution may submit a reconsideration request to the subcommittee. The initial request and all supplemental information for reconsideration shall be submitted to the NCAA staff by an NCAA institution, conference or NCAA committee. The director or associate director shall determine if the submitted information meets the new information standard. If yes, the staff will then forward the request for reconsideration to the subcommittee. If no, then the reconsideration request shall be denied.

The applicant institution may appeal the director's or associate director's decision to deny the reconsideration request to the chair of the subcommittee. If the chair determines that the case should be reconsidered by the subcommittee, then the staff will forward the case to all subcommittee members. If the chair affirms the director's or associate director's decision to deny the request for reconsideration, the chair's decision is final.

In the event that the chair recuses himself or herself, the senior member of the subcommittee will review the appeal decision.

Appeals to Management Council.

Once an institution has exhausted its appellate and if appropriate, reconsideration opportunity with the subcommittee, an institution may appeal the subcommittee's decision to the Management Council. The
Management Council and Presidents Council have adopted the following procedures to apply for appeal of any committee or Management Council subcommittee action:

**General Authority.**

The Management Council shall review membership appeals and decisions made by a Division III committee or the NCAA staff regarding the application of NCAA legislation to a particular situation when no other committee, subcommittee, or conference has the authority to act (Constitution 4.8.3-(h)). All Management Council decisions shall be reported to the Presidents Council which may ratify, amend or rescind the actions of Management Council (Constitution 4.4.2-(g)-(h)). The Presidents Council shall hear appeals of original Management Council actions (as opposed to Management Council appellate decisions). Presidents Council is not required to hear or act on any request for additional consideration in which an appellate opportunity has already been provided by the Management Council. Presidents Council may, however, review any issue at its discretion.

**Standard of Review.**

A council shall not alter the decision of the committee, subcommittee or council that initially decided the matter unless it concludes that the committee, subcommittee or council erred in its decision in a manner that, in the judgment of the council, affected the decision. The finding of such an error shall be based on a determination of one of the following:

1. The committee, subcommittee or council improperly applied NCAA legislation or official interpretations;
2. The committee, subcommittee or council took an action inconsistent with established precedent; or
3. The committee, subcommittee or council deviated from its approved procedures or that the decision is clearly erroneous.

**Documentation for Review.**

The involved institution must submit a written notice of appeal to be received in the national office not later than 30 days after it has received notification of the adverse decision.

1. The appeal must be submitted by at least two of the following institutional representatives: chancellor/president, faculty athletics representative, director of athletics and senior woman administrator.

2. The Notice of Appeal must include reasons the institution believes the decision was erroneous. All supporting documentation from the involved institution shall be submitted no later than five business days before the meeting in which the appeal will be reviewed. Review of appeals shall take place only in conjunction with regularly scheduled meetings of the applicable council or the NCAA Division III Administrative Committee. All appeals shall be based on the written record, unless the council officers conclude that compelling reasons exist to conduct an in-person meeting.
Not later than 48 hours before the meeting in which the appeal will be reviewed, the committee, subcommittee or council shall submit reports that detail the initial decision. The report shall identify the involved NCAA rules and interpretations and shall specify the information and precedent relied on in reaching the decision.

Parliamentary Procedure and Recusals.

For purposes of parliamentary procedure the Presidents Council, Management Council or Administrative Committee shall constitute a "Board," rather than a "committee," in applying the provisions of Robert's Rules of Order, Newly Revised; therefore, parliamentary procedures shall be those specified for Boards by Robert's Rules in such matters as appeals, rehearing or other appearances. [Note: This affects such matters as motions to reconsider, amend or rescind earlier actions].

Members shall recuse themselves from participating in the complete review process (discussion and vote) if the matter involves their institution or conference. Members shall recuse themselves from voting on a matter of a decision by a committee or subcommittee on which they serve or if the matter involves a member of their conference. However, these members may participate in discussions related to the matter.

Decision.

The Presidents Council, Management Council or Administrative Committee shall deliberate and notify the national office staff of its decision (based on standard of review set forth above). The national office staff shall notify the involved institution and shall provide a written confirmation of the decision. The notification should occur as soon as practical after the decision is reached and adjournment of the meeting. No notification, formal or informal, should occur before adjournment. The appellant also should be notified of any additional procedures available. No public announcement shall be made until the meeting has adjourned.

Rehearing.

Rehearing of an issue may be granted only on the basis of new, relevant and significant information directly related to the original findings. The applicable officers will review the submitted evidence to determine if it believes the new-evidence requirement has been met.

If in reviewing the appeal the Presidents Council, Management Council or Administrative Committee concludes that new information that was not made available to the involved committee or subcommittee at the time of its initial decision has been reported and that the information is of such
importance to make a different result reasonably probable, the case shall be redirected to the committee or subcommittee that initially considered it for further review.

**Conflict of Interest Statement.**

The NCAA is a voluntary Association comprised of colleges, universities, conferences and other organizations governed through a membership-led committee structure. Within the governance structure, subcommittee 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 subcommittee 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, subcommittee members' fiduciary obligations are first to their institution, second to their conference and third to the Association. NCAA committee or subcommittee service involves important ethical and moral obligations. Subcommittee integrity is critical to the decision-making process and includes trust, confidentiality and honesty in all issues and aspects of service and representation. Committee discussions and decisions should reflect and advance the interests of the Association, the division, or the sport, and ultimately enhance the student-athlete experience. NCAA committee or subcommittee 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 subcommittee evaluation under this Statement.

In addition to any fiduciary obligation to their institution and conference, subcommittee members also have a fiduciary duty to the Association not to use knowledge or information obtained solely due to service on that subcommittee to the disadvantage of the Association during the term of subcommittee service. Further, a subcommittee member shall not participate in the subcommittee'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 subcommittee 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 violation of either of the above rules by a member of the subcommittee shall not invalidate the action taken by the committee if, following disclosure of the conflict of interest, the subcommittee authorizes, ratifies or approves the action by a vote sufficient for the purpose, without counting the vote of the subcommittee member with the conflict of interest and the appropriate oversight body approves the action.

A subcommittee member is responsible for advising the chair of any actual or potential conflicts of interest or obligations which he/she may have hereunder and should recuse him/herself from participating in proceedings, as may be warranted by this policy. Abuse of one's position as a member of a subcommittee may result in dismissal from that position. Where such abuse appears evident, a subcommittee member will be notified by the subcommittee chair and will have the opportunity to present a rebuttal or details of the situation. *(August 2008 NCAA Executive Committee minutes.)*
Speaking Agent Policy.

The president of the Association and the chair of the Executive Committee 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 Executive Committee of the Association as a speaking agent of the Association on that issue.

Subcommittee chairs are hereby designated as speaking agents of their subcommittees regarding issues within their subcommittees’ jurisdiction on which there is consensus, except that positions of advocacy on behalf of the subcommittee or the Association to be communicated in writing or orally to persons or entities external to the Association must have prior approval by the Executive Committee or the president of the Association.

The president of the Association is hereby granted authority to designate additional speaking agents of the Association. (April 2001 Executive Committee minutes.)
# Case Summary

## General Case Information

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<th>Case Type</th>
<th>Sub Case Type</th>
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<td>867697</td>
<td>Legislative Relief Waiver</td>
<td>Amateurism; Financial Aid; Playing and Practice Seasons Request for a Sports Team</td>
<td>Yes</td>
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**Student-Athlete**

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<tr>
<td></td>
<td></td>
<td>III</td>
<td>Softball</td>
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**Legislative Cite(s)**

17.1.1.3.3 - Sports with a Spring NCAA Championship, except for Golf, Rowing and Tennis.  
17.1.1.3 - Length of Playing Season.

## Decision Information

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<td>Approved</td>
<td>03/24/2016</td>
<td>Staff</td>
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**Conditions**

One-time waiver. Future similar requests may be denied.  
Must educate institutional staff on policies and procedures related to the legislation in question.

**Rationale**

Case precedent.: Case No. 610391  
Institutional Error.: Specifically, staff noted applicant institution's head women's softball coach and athletics director failed to recognize and correct the team's playing and practice season based on the conference tournament and championship game schedule.  
Student-athlete well-being.: Staff noted that due to institutional error, student-athletes would be precluded from participating in the conference championship if the waiver were denied.  
Please note that due to the actions of institutional personnel resulting in the need for a waiver, a letter will be sent to applicant institution's chancellor/president per the Legislative Relief policies and procedures.:
Case Summary

Fall 2015: Applicant institution's head softball coach submitted the softball team's playing and practice season declaration form. The form declared a scheduled start date of January 24, 2016.

Early January 2016: Applicant institution's athletics director reviewed the softball team's Declaration of Season form and did not notice that the team's season would end the day before the final date of the conference tournament.

January 24: Applicant institution's softball team conducted its first practice of the traditional segment.

January 25: Applicant institution's director of compliance reviewed the softball team's Declaration of Season form and noticed the error.

May 7: Scheduled end of applicant institution's softball playing and practice season.

May 8: Final day of applicant institution's softball conference championship.

Applicant institution would like to add an additional day to the end of the softball team's playing and practice season to compete in the conference championship game May 8 if the team advances to that contest date; however, doing so is prohibited by NCAA legislation. Specifically, the length of an institution's playing and practice season for a sport with a winter NCAA Championship is limited to 19 weeks, and adding the additional day would result in a 20-week season.

Assertions:

(1) Applicant institution's softball coach admits to an oversight in scheduling and did not recognize that the schedule would cause the season to end prior to the completion of the conference championship. Specifically, the coach mistakenly believed the conference championship began on a Saturday instead of a Sunday;

(2) Applicant institution's athletics director admits to an oversight in his initial review of the declaration of season form;

(3) To rectify the issue by taking off an extra week during the season, applicant institution would have to cancel scheduled contests;

(4) Applicant institution plans on changing their current playing and practice season declaration form to clearly outline the conference tournament and championship schedule dates; and

(5) Applicant institution will not engage in athletically related activity on two scheduled practice days during the remainder of the season to counter any competitive advantage that would be gained by receiving an extension.
Specific Case Information

Describe the institution’s request for relief. Waive the normal application of the length of playing season legislation and permit applicant institution’s softball team to compete for one day beyond the end of the declared playing season.

Name of the NCAA Governance Committee submitting the waiver
Case Summary

General Case Information

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<th>Sub Case Type</th>
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<td>901497</td>
<td>Legislative Relief Waiver</td>
<td>Amateurism; Recruiting; Awards, Benefits and Expenses; Playing and Practice Seasons. Request for a Prospective Student-Athlete or Student-Athlete</td>
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<td>Men's Gymnastics</td>
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Legislative Cite(s)

16.8.1.3.1 - Involvement of Coaching Staff.
17.1.5.2.1 - Involvement of Coaching Staff.

Decision Information

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<td>Approved</td>
<td>04/15/2016</td>
<td>Staff</td>
</tr>
</tbody>
</table>

Conditions

One-time waiver. Future similar requests may be denied.
Other: Applicant institution's coach may monitor/conduct SA training until the end of the academic year (May 15, 2016) provided SA makes the Colombian national team. SA and coach may not engage in athletically related activities following the national team tryout event (May 6-9, 2016) if SA does not make the Colombian national team.

Rationale

Case precedent.: Staff noted Case No.826813 was granted for the student-athlete to tryout for his country's national team to represent the nation in elite-level competition, specifically in the Pan American Games.
Student-athlete well-being.: Staff noted the elite and unique circumstances surrounding participation in national team tryouts that qualify the student-athlete to participate in the Olympic Games. Further, staff noted the safety concerns connected to gymnastics training that necessitate coaching supervision.
Case Summary

Student-athlete (SA) is an international student from Colombia.

SA has the opportunity to tryout to represent the Colombian national team at the 2016 Olympics.

April 2, 2016: End of applicant institution's declared playing and practice season.

May 6-9, 2016: Colombian national team tryout competition.

May 15, 2016: End of applicant institution's academic year.

Applicant institution would like for SA to continue to train with applicant institution's head coach until the end of the institution's academic year; however, the athletically related activities legislation precludes SA from engaging in athletically related activities with applicant institution's coaching staff outside the institution's declared playing and practice season.

Assertions:

(1) Applicant institution is the only Division III institution that sponsors men's gymnastics;

(2) SA is an international student and does not have access to a local club team or coach;

(3) Gymnastics is a sport with significant safety concerns and it is critical for SA to practice under the supervision of a coach; and

(4) The opportunity to tryout for a national team during an Olympic year is an elite opportunity that only presents itself once every four years.
Specific Case Information

Describe the institution's request for relief.  
Waive the normal application of the playing and practice seasons legislation and permit SA to train with applicant institution's head coach outside of the institution's declared playing and practice season; specifically, to permit SA to train with the coach until the end of applicant institution's academic year.

Name of the NCAA Governance Committee submitting the waiver
Case Summary

General Case Information

<table>
<thead>
<tr>
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<td></td>
<td>III</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Men's Tennis</td>
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Legislative Cite(s)

17.1.1.3 - Length of Playing Season.
17.1.1.3.3 - Sports with a Spring NCAA Championship, except for Golf, Rowing and Tennis.
17.1.1.3.4 - Golf, Rowing and Tennis.

Decision Information

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<tbody>
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<td>04/16/2016</td>
<td>Staff</td>
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Conditions

One-time waiver. Future similar requests may be denied.
Must educate institutional staff on policies and procedures related to the legislation in question.

Rationale

Case precedent.: Case No. 867697; Case No. 672132
Institutional Error.: Specifically, staff noted applicant institution failed to include the conference tournament in the 19-week maximum limit for men's lacrosse and men's tennis.
Student-athlete well-being.: Specifically, staff noted that due to institutional error, student-athletes would be precluded from participating in the conference tournament in men's lacrosse and men's tennis if the waiver were denied.
Please note that due to the actions of institutional personnel resulting in the need for a waiver, a letter will be sent to applicant institution's chancellor/president per the Legislative Relief policies and procedures.:
April 25, 2016 - ARCHIVED, DO NOT PUBLISH per NCAA Division III Management Council Subcommittee for Legislative Relief.

August 24, 2015: Applicant institution's scheduled first date of men's tennis fall period.

September 8, 2015: Applicant institution's scheduled first date of men's lacrosse nontraditional segment.

October 9, 2015: Applicant institution's scheduled last date of men's tennis fall period.

October 10, 2015: Applicant institution's scheduled last date of men's lacrosse nontraditional segment.

January 5, 2016: Applicant institution's scheduled first date of men's lacrosse traditional segment.

January 25, 2016: Applicant institution's scheduled first date of men's tennis spring period.

April 12, 2016: Applicant institution's scheduled last date of men's lacrosse traditional segment. Additionally, applicant institution became aware that conference tournaments must be included in the playing and practice season limitations.

April 16, 2016: Applicant institution's scheduled last date of men's tennis spring period.

April 19, 23 and 30: Applicant institution's men's lacrosse conference championship dates.

April 20 and 23: Applicant institution's men's tennis conference championship dates.

Applicant institution would like to add an additional two weeks and four days to the end of the men's lacrosse team's playing and practice season to compete in the conference tournament. Additionally, applicant institution would like to add an additional week to the end of the men's tennis team's playing and practice season to compete in the conference tournament; however, doing so is prohibited by NCAA legislation. Specifically, the length of an institution's playing and practice season for a sport with a spring NCAA championship is limited to 19 weeks. Adding two weeks and four days to the men's lacrosse season would result in a 22-week season. Additionally, adding one week to the men's tennis season would result in a 20-week season.

Assertions:

(1) Applicant institution's compliance administrator admits to a legislative misunderstanding. Specifically, the compliance administrator was not aware the conference tournament is included in the playing and practice season, and must be included in the 19-week maximum limitation of men's lacrosse and men's tennis.

(2) Absent a waiver, student-athletes will be denied a conference championship opportunity in men's lacrosse and men's tennis.
Specific Case Information

Describe the institution's request for relief. Waive the normal application of the length of playing season legislation and permit applicant institution's men's lacrosse team and men's tennis team to compete beyond the end of the declared playing seasons.

Name of the NCAA Governance Committee submitting the waiver
Case Summary

General Case Information

Case Number  Case Type  Sub Case Type  Release to Database
907337  Legislative Relief Waiver  Amateurism; Recruiting; Awards, Benefits and Expenses; Playing and Practice Seasons. Request for a Prospective Student-Athlete or Student-Athlete  Yes

Student-Athlete Name  Institution  Division  Sport(s)

III Women's Tennis

Legislative Cite(s)
12.5.1.4 - Commercial Advertisement.
12.5.1.3 - Modeling and Other Nonathletically Related Promotional Activities.

Decision Information

Decision  Decision Date  Decision Level
Approved  04/22/2016  Staff

Conditions
Other: Staff noted the following: (1) Applicant institution may not have any involvement in promoting the commercial product; (2) For any media activity that mentions SA's status as a student-athlete, SA may not actively promote the commercial product; and (3) SA's remuneration must be at a rate commensurate with SA's skills and experience as a writer and shall not be based in any way upon SA's athletics ability or reputation.

Rationale
Case precedent.: Student-athlete well-being.: Specifically, staff noted: (1) SA became involved in such activities for reasons independent of athletics ability; and (2) There is no athletics relationship between SA's writing and her participation at applicant institution.
Totality of the circumstances.: Specifically, staff noted that the NCAA Division III Interpretations and Legislation Committee reviewed the article and agreed that the promotional activities legislation precludes SA from being featured in an article that references both her athletics participation and a commercial product or service; however, the committee agreed that a waiver was appropriate based on the specific set of facts.
2004: Student-athlete (SA) published three children's novels at the age of 10.

Fall 2012: SA initially enrolled at applicant institution. SA is a member of the women's tennis team at applicant institution.

Applicant institution would like to allow SA to use her name, image and likeness for promotional purposes even if the promotion makes reference to her intercollegiate athletics involvement; however, it is not permissible for a student-athlete to promote a commercial product or service if the promotional activity references intercollegiate athletics participation.

Assertions:
(1) SA has published a number of children's and young adult books, most predating her initial collegiate enrollment;

(2) There is no relationship between SA's commercial products and her participation in intercollegiate athletics at applicant institution;

(3) SA will not actively promote her commercial product in any promotional activities that reference her intercollegiate athletics involvement;

(4) Many of the proceeds from SA's book sales are donated toward charitable causes; and

(5) SA's remuneration will be at a rate commensurate with SA's skills and experience as a writer and will not be based in any way upon SA's athletics ability or reputation.
Describe the institution’s request for relief. Waive the normal application of the promotion of a commercial advertisement legislation and permit SA to use her name/likeness for promotional purposes.

Name of the NCAA Governance Committee submitting the waiver: Interpretations and Legislation Committee
Case Summary

General Case Information

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Student-Athlete Name

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Legislative Cite(s)

17.3.3 - First Contest
17.3.3.1 - Exceptions.

Decision Information

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<tbody>
<tr>
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<td>05/31/2016</td>
<td>Staff</td>
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</table>

Conditions

One-time waiver. Future similar requests may be denied.

Other: Specifically, staff noted that applicant institution and Institution No. 1 may play a regular season contest prior to the first permissible contest date on November 12, 2016. However, staff noted that application institution should make other arrangements for the Lauren Hill Tipoff Classic beginning in 2017. Applicant institution may choose to: (1) conduct the Lauren Hill Tipoff Classic as an exhibition contest prior to the first permissible contest date; (2) conduct the Lauren Hill Tipoff Classic as a regular season contest on or after the first permissible contest date; or (3) propose legislation that would allow the Lauren Hill Tipoff Classic to occur prior to the first permissible contest date on an annual basis (in order to use this option, the membership must adopt this proposal at the 2017 Convention).

Rationale

Totality of the circumstances.: Specifically, staff noted the following: (1) Lauren Hill's impact on applicant institution, Institution No. 1 and all of Division III; (2) Applicant institution and Institution No. 1 will play in conjunction with an already scheduled Division I contest on November 12, 2016; and (3) Allowing the institution a one-time waiver for 2016 will allow applicant institution the opportunity to make alternative plans for the Lauren Hill Tipoff Classic beginning in 2017.
November 2, 2014: Applicant institution and Institution No. 1 played a women’s basketball contest prior to the first permissible contest date to allow Lauren Hill, a student-athlete at applicant institution, to compete. Hill was suffering from an inoperable brain tumor.

April 10, 2015: Lauren Hill passed away.

November 12, 2016: Applicant institution and Institution No. 1 would like to play a regular season contest as part of the First Annual Lauren Hill Tipoff Classic. The contest will be played in conjunction with a Division I contest and will serve as a fundraiser for The Cure Starts Now.

Applicant institution would like to play November 12, 2016; however, November 12 is three days prior to the first permissible contest date.

Assertions:

(1) Lauren Hill had a significant impact on applicant institution, Institution No. 1 and the entirety of the NCAA;

(2) Applicant institution would like to honor Lauren's memory with an annual Lauren Hill Tipoff Classic;

(3) Conducting the contest as an exhibition contest would undermine the importance of Lauren's mission to end pediatric cancer;

(4) The contest will be conducted in conjunction with an already scheduled Division I contest; and

(5) The contest will count toward the maximum contest limitations for both applicant institution and Institution No. 1.
Specific Case Information

Describe the institution's request for relief. Permit applicant institution and Institution No. 1 to play a regular season women's basketball contest November 12, 2016 as part of the Lauren Hill Tipoff Classic.

Name of the NCAA Governance Committee submitting the waiver
Case Summary

General Case Information

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<td>Softball</td>
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Legislative Cite(s)

- 13.2.2 - Specific Prohibitions.
- 13.9.1.1 - Exception -- Nonbinding Athletics Celebratory Form.

Decision Information

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<tbody>
<tr>
<td>Approved</td>
<td>04/22/2016</td>
<td>Staff</td>
</tr>
</tbody>
</table>

Conditions

Rationale

Student-athlete well-being: Specifically, staff noted the following: (1) the extraordinary nature of PSA's illness; (2) applicant institution is not recruiting PSA; and (3) applicant institution provides the same treatment to other individuals with life-threatening and chronic illness.
Applicant institution would like to have a prospective student-athlete be an honorary softball team member; however, an institution may not provide benefits to a PSA that are not generally available to all prospective students or a particular segment of the student body for reasons unrelated to athletics.

Assertions:

(1) PSA has been diagnosed and is currently fighting a nonterminal cancer;

(2) Applicant institution is requesting to allow PSA to be an honorary team member for as long as the partner organization and host family feel it is a positive impact on the child/young adult;

(3) As an honorary team member, applicant institution will provide PSA with team gear, team photo, a celebratory signing, a birthday party with a small gift and other general team type experiences;

(4) Partner organization has informed applicant institution that PSA has no reasonable expectation of participating in intercollegiate athletics;

(5) PSA intended to play softball at her high school until her cancer diagnosis and treatment;

(6) Institution has no intention of recruiting PSA;

(7) PSA will not receive any additional benefits beyond those applicant institution has requested; and

(8) Applicant institution also provides the same treatment to other individuals with life-threatening and chronic illnesses.
Specific Case Information

Describe the institution’s request for relief. Waive the normal application of the offers and inducements and celebratory signing legislation and permit a PSA to be an honorary team member, receive team gear and sign a celebratory signing form.

Name of the NCAA Governance Committee submitting the waiver
Case Summary

General Case Information

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<td></td>
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<td>Men's Basketball</td>
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</table>

Legislative Cite(s)
- 17.29.1.2 - Tour to U.S. Territory or Commonwealth.
- 17.29.1.8 - Opponents.

Decision Information

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<tr>
<td>Approved</td>
<td>05/02/2016</td>
<td>Staff</td>
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</table>

Conditions
- One-time waiver. Future similar requests may be denied.
- Must educate institutional staff on policies and procedures related to the legislation in question.
- Other: The trip to Puerto Rico will serve as applicant institution's men's basketball program's one-in-three year foreign tour.

Rationale
- Institutional Error.: Specifically, staff noted applicant institution mistakenly assumed the foreign tours legislation may be applied to trips to Puerto Rico.
- Student-athlete well-being.: Specifically, staff noted each student-athlete is responsible for all expenses, and each student-athlete had already purchased non-refundable airline tickets.
- Please note that due to the actions of institutional personnel resulting in the need for a waiver, a letter will be sent to applicant institution’s chancellor/president per the Legislative Relief policies and procedures.:
March 9, 2016: Eight men's basketball student-athletes (SAs) purchased non-refundable roundtrip airline tickets to Puerto Rico.

March 14, 2016: Men's basketball trip to Puerto Rico was officially approved by applicant institution's director of global education.

April 16, 2016: Applicant institution became aware that foreign tours legislation may not be applied to trips to Puerto Rico.

May 8-15, 2016: Men's basketball team trip to Puerto Rico.

Applicant institution's men's basketball team would like to travel to Puerto Rico as its one-in-four-year institutionally certified foreign tour and participate in three competitions against Puerto Rican teams; however, NCAA legislation precludes an institution that travels to a United States commonwealth or a United States territory from being considered an institutionally certified foreign tour and from participating in competition against American teams during a foreign tour.

Assertions:

(1) Applicant institution mistakenly assumed the foreign tours legislation may be applied to trips to Puerto Rico.

(2) Applicant institution requires all students to participate in an intercultural experience during their undergraduate career. Each men's basketball SA plans to use the trip to Puerto Rico to satisfy the graduation requirement.

(3) Each men's basketball SA is responsible for all expenses. Applicant institution will not pay for any portion of the trip.

(4) Travel to Puerto Rico is affordable, and does not require a passport.
Describe the institution’s request for relief. Waive the normal application of the tour to United States territory or commonwealth and opponents on a foreign tour legislation and permit applicant institution to travel to Puerto Rico and participate in competition against teams from Puerto Rico as the institution’s once-in-three years foreign tour.

Name of the NCAA Governance Committee submitting the waiver
Applicant institution's men's and women's swimming and diving retiring coach will receive a lifetime achievement award from the college swim coaches association and will be honored at a banquet May 5, 2016. The banquet will occur less than 50 miles from applicant institution's campus and student-athletes (SA) will provide their own transportation to attend.

Applicant institution would like to provide the ticket expense for SAs on men's and women's swimming and diving teams to attend the banquet, but SAs are precluded from doing so under miscellaneous benefits legislation.

Assertions:

The coach's receipt of a lifetime achievement award is a unique occurrence and SAs should be able to attend the celebration banquet to support their retiring coach.
Specific Case Information

Describe the institution's request for relief. Waive the miscellaneous benefits legislation and permit applicant institution to provide cost of men's and women's swimming and diving SAs to attend banquet where their retiring head coach will be honored with a lifetime achievement award.

Name of the NCAA Governance Committee submitting the waiver
Case Summary

General Case Information

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Legislative Cite(s)
17.1.1.3.1 - Sports with a Fall NCAA Championship.
17.1.1 - Playing Season.

Decision Information

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<tr>
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<td>06/30/2016</td>
<td>Staff</td>
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</table>

Conditions

One-time waiver. Future similar requests may be denied.
Must educate institutional staff on policies and procedures related to the legislation in question.
Other: Specifically staff noted: 1) volleyball team may not report to campus until August 18, 2016; 2) no athletically related activities may occur on August 20, 2016; and 3) August 19 will be the official start date to the playing and practice season and must be calculated into the maximum week limitations.

Rationale

Institutional Error.: Specifically staff noted the miscommunication between the scheduling coordinator and compliance office, which resulted in the scheduling conflict.
Student-athlete well-being.: Specifically, staff noted: 1) institutional error between the scheduling coordinator and compliance office; 2) no competitive advantage; and 3) applicant institution is permitted to schedule its first contest on September 1, which would have allowed for an earlier first permissible practice date.
Please note that due to the actions of institutional personnel resulting in the need for a waiver, a letter will be sent to applicant institution’s chancellor/president per the Legislative Relief policies and procedures.
Case Summary

May 2016: Applicant institution's compliance office calculated preseason start date.

May 23, 2016: Applicant institution scheduled an outside group to use institution's gymnasium on August 20, 2016.

June 9, 2016: Applicant institution discovered the scheduling conflict.

August 19, 2016: Applicant institution's women's volleyball team first permissible practice date if first date of competition would have been scheduled on September 1, 2016.

August 20, 2016: Applicant institution's women's volleyball team first permissible practice date.

September 2, 2016: Applicant institution's women's volleyball team first date of competition.

September 6, 2016: Applicant institution's first day of classes.

Applicant institution would like to begin practice for its women's volleyball team on August 19; however, August 19 is one day prior to the first permissible practice date.

Assertions:

(1) Applicant institution contacted outside group, but the group was unable to change the date;

(2) Applicant institution only has one gymnasium;

(3) Outside group will begin setting up the gymnasium the day before the event, will use the gymnasium the entire day and will not begin tearing down the facility until 9 p.m.;

(4) Applicant institution's women's volleyball team will not participate in any athletically related activities on August 20, 2016;

(5) Allowing the team to participate one day early will not extend the playing and practice season;

(6) Applicant institution may rent an outside facility, but it will cost the institution $1400; and

(7) Applicant institution's women's volleyball team is unable to change the first scheduled date of competition.
Describe the institution’s request for relief.  Waive the normal application of the first permissible practice date legislation to permit applicant institution’s women’s volleyball team to begin practice one day prior to the first permissible practice date.

Name of the NCAA Governance Committee submitting the waiver
Case Summary

General Case Information

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Legislative Cite(s)
17.1.5 - Out-of-Season Athletically Related Activities.
17.02.1 - Countable Athletically Related Activities.

Decision Information

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<tr>
<td>Approved</td>
<td>06/30/2016</td>
<td>Staff</td>
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</tbody>
</table>

Conditions

Rationale
Case precedent.: Case Nos. 617871, 312928
Student-athlete well-being.: Specifically, staff noted: (1) Applicant institution's request to allow its head swimming and diving coach to monitor SA's six-hour training swim and attempt to swim the English Channel during 2014 summer is based solely on the safety of SA; and (2) Both the physical and mental demands of the training swim and of the attempt to swim the English Channel require specialized coaching to ensure SA's safety.
Other:: Staff noted swimming the English Channel is a unique event with no competitive advantage gained by SA.
Case Summary

May 2017: SA will conduct a required six-hour training swim in cold open water as a prerequisite for an attempt to swim across the English Channel.

July 2017: Student-athlete (SA) will attempt to cross the English Channel.

Applicant institution's head women's swimming and diving coach would like to supervise SA during the six-hour training swim and during the English Channel swim; however, applicant institution's head swimming and diving coach is prohibited by the out-of-season athletically related activities legislation. Specifically, a coach is prohibited from engaging in athletically related activity with his or her SAs after an institution's declared swimming and diving season has ended.

Assertions:

(1) The nature of the six-hour swim and attempted English Channel crossing requires supervision to monitor SA's physical and mental needs;

(2) The primary focus of applicant institution's head coach's involvement is for the safety and well-being of the SA;

(3) Applicant institution's head coach has previously helped six other swimmers complete this feat; and

(4) SA will not gain a competitive advantage because the nature of the English Channel swim is different from swimming in a pool.
Describe the institution's request for relief. Waive the normal application of the out-of-season athletically related activities legislation and permit applicant institution's head swimming and diving coach to monitor SA's six-hour training swim and SA's attempt to swim the English Channel during 2016 summer.

Name of the NCAA Governance Committee submitting the waiver