REPORT OF THE NCAA DIVISION I COMMITTEE FOR LEGISLATIVE RELIEF
FEBRUARY 22-23, 2016, MEETING

ACTION ITEMS.

1. Legislative Items.

   • Committee Composition.

      (1) **Recommendation.** To increase the committee composition from five to seven and require representation from each subdivision within Division I and no subdivision shall account for more than 50 percent representation of the committee. Further, to require one committee member be a member of the Division I NCAA Student-Athlete Experience Committee.

      (2) **Effective Date.** Immediate.

      (3) **Rationale.** Since July 2015, the committee has reviewed 97 appeals for the 2015-16 academic year which has already surpassed the total number of appeals (94) for the entire 2014-15 academic year. By adding two additional committee members, the committee will be in a better position to manage the volume of appeals and, as a result, will be able to better serve the membership. Expansion of the committee will also allow the creation of an administration committee that can act on behalf of the committee regarding administrative and procedural matters. Further, the adding a member from the Student-Athlete Experience Committee will ensure the committee has subject matter expertise and ensures proper alignment with the new Division I governance structure with regards to legislative and policy discussions.

      (4) **Estimated Budget Impact.** None.

      (5) **Student-Athlete Impact.** None.

2. Nonlegislative Items.

   a. Procedures for NCAA Division I Committee for Legislative Relief Appeals and Appeal Teleconferences Involving the Applicant Institution.

      (1) **Recommendation.** To update the committee procedures for electronic appeals and policies regarding telephonic appeals involving the applicant institution as specified. [Attachment No. 2a]
(2) **Effective Date.** Immediate.

(3) **Rationale.** In requesting an appeal, the committee noted that requiring an institution to obtain signatures from an individual who has primary responsibilities outside of athletics and has authority to sign off on an initial request through the Requests/Self-Reports Online (RSRO) system (e.g., chancellor or president, faculty athletics representative) is consistent with the requirements of initially submitting the waiver request and will ensure that the institution's leadership is apprised of the status of requests as they move through the waiver process. Further, the committee recognized the need to update the committee's procedures regarding participation requirements in a telephonic appeal requested by the applicant institution. The committee agreed any involved student-athlete should participate in a telephonic appeal and the committee gave authority to the chair to request additional representative(s) (e.g., prospective student-athlete, coach). The committee noted that required participation by the involved student-athlete in a telephonic appeal ensures the student-athlete's perspective is considered and is important to ensure the committee is making a fully informed decision.

(4) **Estimated Budget Impact.** None.

(5) **Student-Athlete Impact.** None.

b. **Procedures for NCAA Division I Committee for Legislative Relief Involving Withholding Conditions.**

(1) **Recommendation.** To update the committee procedures for withholding conditions related to delayed enrollment cases as specified. [Attachment No. 2a]

(2) **Effective Date.** Immediate.

(3) **Rationale.** During the 2015-16 academic year, the committee reviewed and granted requests for waivers involving amateurism certification decisions made by the NCAA Eligibility Center. A number of the waiver decisions involved a withholding condition for the student-athlete. The committee recognized the need to establish written procedures for withholding conditions including the application of a withholding condition and the type of competition that may be used to fulfill a withholding condition. Specifically the committee approved the time period of when a withholding condition should occur (i.e., student-athlete
is otherwise eligible, during one of his or her four seasons of competition, student-athlete is medically cleared to compete) and the types of competition that may be used to satisfy a withholding condition (i.e., scrimmage, exhibition or nonchampionship contests may not be used). Updating the committee's policies regarding withholdings will clarify for the membership information regarding waivers dealing with amateurism certification conditions.

(4) **Estimated Budget Impact.** None.

(5) **Student-Athlete Impact.** None.

c. **Committee for Legislative Relief NCAA Division I Bylaw 14.5.5.1 Four-Year College Transfers Directive.**

(1) **Recommendation.** To update the NCAA Division I Committee for Legislative Relief directive and information standards for waivers involving Bylaw 14.5.5.1 four-year college transfers as specified [Attachment No. 2b].

(2) **Effective date.** Immediate.

(3) **Rationale.** The committee discussed transfer year-in-residence waivers since the new directive became effective for student-athletes transferring for the 2015-16 academic year. The committee received feedback from the NCAA Division I Student-Athlete Experience Committee which supported the provision of immediate eligibility in extreme scenarios involving abuse or a hostile environment at the student-athlete's previous institution and to student-athletes who transfer to a service academy and will immediately enter active duty service after graduating in four years. The committee noted there are certain scenarios that should be excluded from the application of the directive due to the unintended consequences on student-athlete well-being. As a result, the committee voted to modify the current directive to give the staff authority to provide immediate eligibility in the following situations: (1) Egregious behavior by a previous institution's staff member or student that directly impacts the health, safety and well-being of the student-athlete which includes a statement of support for immediate eligibility from the student-athlete's previous institution and objective evidence to support the assertions in the waiver; and (2) Transfers to a service academy due to the student-athlete's required commitment to enter military service at the conclusion of four years of enrollment.
(4) **Estimated Budget Impact.** None.

(5) **Student-Athlete Impact.** The proposed changes to the directive and information standards for four-year college transfer student-athletes will impact those students who are victims of egregious behavior and when remaining at the previous institution would have been significantly detrimental to the student-athlete's health and well-being.

**INFORMATIONAL ITEMS.**

1. **Review of the August 2015 Committee for Legislative Relief Report to the NCAA Division I Council.** The committee reviewed the August 2015 report and approved it as presented.

2. **Review Committee for Legislative Relief cases decided from August 1, 2015, through January 31, 2016, by the NCAA staff and committee.** The committee reviewed cases decided by the staff and the committee from August 1, 2015, through January 31, 2016. A total of 759 cases were reviewed by the staff and committee in Division I. Staff approved 604 cases either fully or with conditions. 47 of the 604 cases were approved based on the totality of the circumstances. Additionally, the staff denied 155 cases, 63 of which were appealed to the committee. The committee affirmed the staff decision in 45 cases and overturned the staff decision on 18 occasions.

3. **Review of Committee for Legislative Relief policies and procedures.** The committee discussed its policies and procedures and approved changes related to an institution's request for an appeal and withholding conditions for waivers involving amateurism certification decisions.

4. **Review of Committee for Legislative Relief conflict of interest policy.** The committee reviewed its conflict of interest policy and agreed to amend the policy to include that the chair of the committee is responsible for advising the staff of any actual or potential conflicts of interest or obligations which he/she may have and should recuse him/herself from participating in proceedings. Further, the committee clarified that the committee may vote on any Division I legislative relief blanket waiver including a waiver submitted by a committee member's institution or an institution within a committee member's conference as the waiver would affect all Division I institutions.

5. **Review of Committee for Legislative Relief composition.** The committee discussed its current composition and in addition to approving an expansion, the committee voted to create an administrative committee within the committee that is comprised of the chair
and vice chair who can act on behalf of the committee regarding administrative and procedural matters.

6. **Review of NCAA Bylaw 14.5 Transfer Year-In-Residence waivers.** The committee discussed transfer year-in-residence waivers since the new directive became effective for student-athletes transferring for the 2015-16 academic year. The committee voted to modify the current directive to give the staff authority to provide immediate eligibility in limited circumstances due to the unintended consequence on student-athlete well-being.

7. **Review of previously approved waivers.** The committee reviewed the list of previously approved waivers and agreed to expand the list of approved waivers to include foreign tour eligibility for transfer student-athletes and baseball varsity squad size limitation waivers to reduce bureaucracy and permit the membership and staff to work more efficiently in limited circumstances. The committee agreed the updated previously approved waiver list should be made available on the legislative relief homepage, the resource tab within RSRO and Legislative Services Database for the Internet (LSDBI) and be provided to the NCAA Division I Collegiate Commissioners Association Compliance Administrators (CCACA) for greater use by the Division I membership. [Attachment No. 2c]

8. **Review of waivers involving the temporary review process.** The committee reviewed cases decided by the staff from August 1, 2015, through January 31, 2016 using the temporary review process. The staff applied the temporary review analysis to reach a more favorable outcome for the involved prospective student-athlete(s) and/or student-athlete(s) in 69 cases during this time period. The committee reviewed trends and circumstances associated with the temporary review cases and directed the staff to continue to provide relief in similar situations.

The committee also received an update from the NCAA Eligibility Center amateurism certification staff regarding the application of the temporary review process in amateurism certification decisions. The committee approved continued application of the following guideline to cases in which the prospective student-athlete engaged in minimal competition for one year beyond the grace period: (1) Apply a one-for-one withholding to cases in which a prospective student-athlete competed in less than 20 percent of the maximum number of contests or dates of competition for one twelve-month period outside the grace period; and (2) Charge one season of competition but provide relief of the year in residence requirement to a prospective student-athlete who competes in more than 20 percent but not more than 50 percent of the maximum number of contests or dates of competition for one twelve-month period outside the grace period.

The committee also reviewed scenarios and options for applying temporary review process relief to a prospective student-athlete who engaged in minimal competition for
multiple years beyond the grace period. The committee agreed that staff should evaluate a prospective student-athlete's participation in competition beyond the grace year on an annual-by-annual basis and apply the temporary review process amateurism certification guidelines as such. Finally, the committee noted that an institution may file a waiver and the staff and committee will continue to review delayed enrollment waivers on a case-by-case basis to assess extenuating and extraordinary circumstances that may warrant additional relief not provided through the temporary review process. [Attachment No. 2d]

9. **Review of foreign tour waivers.** The committee reviewed common cases involving foreign tours and discussed the educational and cultural aspects associated with institutional foreign tours. The most common waivers processed by the staff include: (1) Participation on a second foreign tour; (2) Participation when the student-athlete is not eligible due to serving a transfer year in residence; (3) Participation by an incoming student-athlete who has not yet received an amateurism certification; and (4) In the sport of men's and women's basketball, for participation by an incoming student-athlete who has not earned at least three credit hours during the summer term. The committee voted to revise the previously approved waiver list to include foreign tour eligibility for transfer student-athletes, allowing transfer student-athletes who meet specified criteria to travel on a foreign tour and engage in practice associated with the foreign tour but to not compete while on the foreign tour. The committee agreed to continue to review other foreign tour waivers on a case-by-case basis.

10. **Review of ineligible student-athlete travel waivers.** The committee reviewed waiver requests involving ineligible student-athletes seeking to receive expenses associated with team travel. The committee agreed to continue review and discussion of these waivers in the future.

11. **Future meetings.** The committee's next meeting will occur May 2016 via teleconference.

12. **Other business.**

Committee Chair: Robert Philippi, Conference USA
Staff Liaisons: Abigail Markey, Academic and Membership Affairs
Jerry Vaughn, Academic and Membership Affairs
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<th>NCAA Division I Committee for Legislative Relief</th>
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<td>February 22-23, 2016, Meeting</td>
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<tr>
<td>Kathleen Batterson, Colonial Athletic Association</td>
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<td>David Flores, Big 12 Conference</td>
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<td>Kaity McKittrick, Lafayette College, Patriot League</td>
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<td>Robert Philippi, Conference USA</td>
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<td>Roderick Perry, Indiana University-Purdue University, Indianapolis, Summit League</td>
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<th>NCAA Liaisons in Attendance:</th>
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<tbody>
<tr>
<td>Abigail Markey and Jerry Vaughn.</td>
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<th>Other NCAA Staff Members in Attendance:</th>
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<td>Kelly Brummett; Kaitlyn Cranshaw; Brandy Hataway; Kim Hubert, Charnele Kemper; Oliver Luck; Jobrina Marques, Eric Mayes; Kris Richardson; Dave Schnase; Naima Stevenson and Ashley Thornburg.</td>
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