



NCAA Division I Interpretations Committee

Policies and Procedures

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1. Introduction (NCAA Bylaw 21.7.6.5).

The NCAA Division I Interpretations Committee (hereafter referred to as “the committee”) is a standing committee that reports to the NCAA Division I Legislative Committee. The Interpretations Committee’s charge is to render decisions on legitimate interpretative inquiries related to the application of NCAA legislation.

2. Composition (NCAA Bylaw 21.7.6.5.1).

The Interpretations Committee shall consist of 11 members, including a representative from each of the five conferences named in NCAA Constitution 5.3.2.1.1, a minimum of two members representing each subdivision and a minimum of one director of athletics/senior woman administrator, one campus compliance administrator, one conference administrator and one faculty athletics representative. One individual shall serve as chair.

3. Term of Office (Bylaw 21.7.3.2).

Committee members shall be appointed for one four-year term.

4. Committee Duties (Bylaw 21.7.6.5.2).

The committee shall: *(Adopted: 8/5/04)*

- (a) Determine interpretations of all legislation;
- (b) Review interpretations issued by the membership services staff and, if necessary, modify such interpretations;
- (c) Respond to requests from the member institutions to interpret Division I bylaws (see NCAA Constitution 5.4.1.2.1); and
- (d) Identify interpretations to be incorporated into the NCAA Division I Manual.

In addition, the committee may be requested to issue interpretations related to the application of NCAA legislation in the following situations:

- (a) Referrals from the academic and membership affairs staff regarding the application of legislation; and

(b) Referrals from other committees/cabinets within the Division I governance structure.

5. Limit on Authority (Bylaw 21.7.6.5.3.1).

The committee shall not have the authority to alter interpretations that have been approved by the Legislative Committee. Its decision shall be binding unless overturned on appeal to the Legislative Committee at its regularly scheduled meeting.

6. Areas of Autonomy (Bylaw 21.7.6.5.3.2).

The members of the committee who are representatives from the five conferences named in Constitution 5.3.2.1.1 shall have the authority to act on behalf of the committee on matters that relate to the areas of autonomy listed in Constitution 5.3.2.1.2.

7. Meetings.

The committee meets weekly via conference call to review interpretive issues. The committee may be convened within 48-hours of receipt of a request to review an interpretive issue if such a request relates to the immediate eligibility of a student-athlete.

8. Quorum Policy.

All committee members present are required to vote, subject to the recusal policy. A quorum of more than 50 percent of the committee is required to take action. For interpretive issues involving autonomy legislation, a quorum of more than 50 percent of committee members representing autonomy conferences is required to take action.

9. Recusal Policy.

Generally, issues for review by the committee are presented anonymously with all references to the institution and/or conference or particular prospective or enrolled student-athlete redacted. However, in those instances in which an institution participates on a conference call or a committee member becomes aware of the conference or institution involved in the interpretation, a committee member should recuse himself or herself if the potential for a conflict of interest exists (e.g., committee member is from the same institution or conference). The chair of the committee reserves the right to request that any committee member recuse himself or herself for any potential conflict of interest that may exist.

A committee member shall recuse himself or herself from reviewing an interpretive issue if the committee member has knowledge that an interpretive request is from a conference or institution that is a member of the committee member's conference, and the committee member is prohibited from discussing the interpretive issue with other committee members.

10. Attendance Requirement.

Regular attendance and participation by committee members is essential to the committee's ability to discharge its duties. Committee members who are unable to attend a meeting or participate on a conference call are required to notify the NCAA staff liaisons to the committee as soon as practicable prior to the conference call.

11. Resignation Policy.

If a member of the committee decides he or she must resign from participating as a member of the committee, the committee member must provide written notice to the chair of the committee or the NCAA staff liaisons. When the NCAA staff liaisons have received a written notice of resignation, the procedures to solicit and appoint a new member will be initiated and a new committee member will be appointed as soon as possible.

12. Removal from the Committee (Bylaw 21.7.3.2).

The chair of the committee is authorized to recommend to the NCAA Division I Nominating Committee that a member be replaced if such member is not properly discharging his or her duties.

13. Staff Participation in Interpretation Process.

As specified in Constitution 5.4.1.2.1, the academic and membership affairs staff shall respond to a request from a member institution for an interpretation of NCAA rules. As specified in Constitution 5.4.1.2.1.3, such an interpretation is binding on the requesting institution on notification of the response to its interpretation request, unless it is modified or reversed on appeal or review by the committee. A staff interpretation that has been reviewed and approved by the committee shall be binding on all other institutions on publication to the membership [e.g., announced on the NCAA website or Legislative Services Database for the *Internet* (LSDBi)].

14. Appeal of Staff Interpretation and Educational Column (Constitution 5.4.1.2.1.1).

An institution may appeal a staff interpretation and educational columns to the committee. Such a request must be submitted in writing by the institution's conference or by one of the

five individuals who are authorized to request such interpretations on behalf of the institution [chancellor or president, faculty athletics representative, director of athletics, senior woman administrator, senior compliance administrator, or a designated substitute for the chancellor or president and/or director of athletics, as specified in writing to the national office]. Such a request shall be submitted on a form prescribed by the committee.

15. Request for an Interpretation of NCAA Legislation at Issue in a Request for a Waiver of NCAA Legislation.

If an institution submits a request for a waiver of NCAA legislation (e.g., Committee for Legislative Relief), the institution acknowledges that the applicable NCAA legislation and/or official or staff interpretations address the subject matter of the waiver. Therefore, if an institution submits a request for a waiver of NCAA legislation, it is precluded from requesting an interpretation of NCAA legislation at issue in the waiver submission unless new information is discovered that could not reasonably have been ascertained prior to submitting the waiver request.

In limited circumstances, NCAA staff, in consultation with the chair of the committee, may allow an institution to request an interpretation of NCAA legislation, even though the institution submitted a waiver of NCAA legislation. Such determinations shall be made based on the timing of the issue and whether a student-athlete's eligibility is impacted.

16. Request for an Interpretation of NCAA Legislation at Issue in a Request for Reinstatement Due to Violation of NCAA Legislation.

If an institution submits a request for reinstatement of a student-athlete's eligibility, the institution acknowledges that a violation of the applicable NCAA legislation has occurred. Therefore, if an institution submits such a request, it is precluded from requesting an interpretation of NCAA legislation at issue unless new information is discovered that could not reasonably have been ascertained prior to submitting the request for reinstatement.

17. Request for an Interpretation of NCAA Legislation at Issue in a Self Report of a Violation of NCAA Legislation.

If an institution submits a self report of a violation of NCAA legislation, the institution acknowledges that a violation of the applicable NCAA legislation has occurred. Therefore, if an institution submits a self report of a violation of NCAA legislation, it is precluded from requesting an interpretation of NCAA legislation at issue in the self report unless new information is discovered that could not reasonably have been ascertained prior to submitting the self report.

18. Staff Participation.

The NCAA staff liaisons will present the academic and membership affairs staff's interpretation and position during the committee's review of the interpretive request. If an institution has requested the committee's review of the interpretive issue and has declined to participate on the call, the staff liaisons will also present the institution's position and interpretive argument.

19. Institutional Participation (Constitution 5.4.1.2.1.1.1).

An institution may participate by conference call in the review of an interpretation when the activity at issue already has occurred and the interpretive decision could result in an individual or institutional violation. Consistent with Constitution 5.4.1.2.1.1.1, the committee has established the following policies and procedures related to an institution's participation in this process:

An institutional staff member (as opposed to a conference office staff member or external counsel) may participate on a committee conference call to present the institution's case. Such a presentation is limited to five minutes, with additional time allotted for questions from committee 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 committee will deliberate privately. Once the committee has finished deliberations, the institution will be notified by NCAA staff liaisons of the committee's decision.

20. Enforcement Staff or Eligibility Center Staff Presence on the Call.

The NCAA enforcement staff or NCAA Eligibility Center staff may be present on a committee conference call when the committee reviews interpretive requests that meet the provisions of Constitution 5.4.1.2.1.1.1. Such participation is subject to the following:

- (a) The enforcement staff or eligibility center staff is actively involved in the investigation of the issue and the investigation has advanced beyond the preliminary stage;
- (b) The institution and the enforcement staff or Eligibility Center staff agree on all facts submitted to the committee;
- (c) The enforcement or Eligibility Center staff's participation shall be nonoral. Any issues of material fact that arise during the call must be provided to the NCAA staff liaisons. The NCAA staff liaisons will determine whether the clarification is relevant to the interpretive issue at hand. If deemed relevant, the clarification will be provided by the NCAA staff liaisons while the institution is still present;

- (d) If factual disputes or information not previously considered by the academic and membership affairs staff arises during the conference call, the chair of the committee may terminate the call until such time as the disputes are resolved; and
- (e) At the conclusion of the presentation and any questions, the enforcement or Eligibility Center staff shall exit the call and the committee will deliberate privately. NCAA staff will announce to the committee that the enforcement or Eligibility Center staff have exited the call.

21. Committee Decision.

The committee will issue interpretations that are either confirmations or determinations of the meaning of the applicable legislation. A confirmation is issued if the legislation or an existing official interpretation clearly addresses the question. A determination is issued if the legislation or an existing official interpretation does not clearly address the question.

A simple majority is necessary for a decision. However, in situations where there is a tie vote, the initial decision of the staff shall be considered to be upheld.

An institution has 30 days after official notification of the committee's decision to appeal to the Legislative Committee.

22. Review of Committee's Decision (Constitution 5.4.1.2.2).

The Division I Legislative Committee shall review all interpretations issued by the Interpretations Committee and may approve, reverse or modify such interpretations. A member institution may appeal a decision of the Interpretations Committee to the Legislative Committee at the Legislative Committee meeting immediately following the decision of the Interpretations. The appeal must be submitted in writing by the institution's chancellor or president, faculty athletics representative or director of athletics. The Legislative Committee shall establish the procedures for such an appeal. A decision of the Legislative Committee is final and no additional appeal opportunity shall exist for a member institution.

The procedures for appealing the Interpretations Committee's decision to the Legislative Committee are available on the Legislative Committee's webpage at www.ncaa.org (click [here](#); membership login required).

23. Publication and Notification (Constitution 5.4.1.2.3).

Consistent with Constitution 5.4.1.2.3, interpretations issued by the committee shall be binding upon notification to affected institutions and upon all member institutions after publication and notification to the membership. LSDBi shall be the official communication tool for publication and notification.

Actions by institutions that are contrary to a confirmation are considered to be rules violations regardless of when such actions occurred (before or after publication of the confirmation). Actions by institutions that are contrary to a determination are only considered to be rules violations after the publication of the determination.

24. Revision of Interpretations (Constitution 5.4.1.2.4).

Consistent with Constitution 5.4.1.2.4, interpretations approved by the Legislative Committee may not be revised by the Interpretations Committee. The Interpretations Committee may, however, recommend to the Legislative Committee revisions of such interpretations.

25. Committee Spokesperson.

It is important that the committee's decisions and discussions are communicated to the membership and the public in a clear and consistent manner. To that end, the chair of the committee shall represent the committee on all external (e.g., communications with those who are not members of the committee) communications including conversations with the media. The NCAA speaking agent policy is as follows:

“The president of the Association and the chair of the Board of Governors are the only individuals authorized to speak on behalf of the Association except as outlined below.

An individual representing a member institution or conference who speaks or opines on an Association issue only has the authority to express the view of that individual or the member institution or conference unless the individual has been designated by the Board of Governors of the Association as a speaking agent of the Association on that issue. Committee chairs are hereby designated as speaking agents of their committees regarding issues within their committees' jurisdiction for which there is consensus, except that positions of advocacy on behalf of the committee or the Association to be communicated in writing or orally to persons or entities external to the Association must have prior approval by the NCAA Board of Governors or the president of the Association. For purposes of this policy, 'committees' includes all NCAA committees, cabinets, boards, councils, subcommittees and special or ad hoc groups.

The president of the Association is hereby granted authority to designate additional speaking agents of the Association.”

26. Ex Parte Communication.

In order to maintain the integrity of the interpretation process, the influence of outside discussions and arguments should be kept to a minimum. Once an issue has been submitted to the committee for review, each committee member shall not discuss the issue with

noncommittee members (e.g., the public or the membership) prior to discussion by the committee. Committee members may discuss general interpretive issues with individuals at their conference (if the committee member is a conference staff member) or institutional personnel at their institution (if the committee member is an institutional staff member). Committee members should not disclose information that could identify the involved institution.