



## NCAA DIVISION I COMMITTEE FOR LEGISLATIVE RELIEF POLICIES AND PROCEDURES

*(Updated May 2018)*

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

**The philosophy of the Committee for Legislative Relief is to review requests to waive the normal application of the legislation while considering the following to determine if relief is appropriate:**

1. The purpose or intent of the legislation;
2. The involvement and the overall well-being of the student-athlete; and
3. A competitive or recruiting advantage.

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

In April 2017, the Division I Council granted the NCAA staff authority to consider extenuating circumstances, exercise reasonable discretion in evaluating cases and allow consideration of mitigating factors that may justify departure from the strict application of legislation, case precedent or committee guidelines where the prescribed outcome is disproportionate or inconsistent with legislative intent. This authority applies to all legislative relief waivers, except waivers of the four-year college transfer requirements.

Waivers must be submitted through the Requests/Self-Reports Online system. All information pursuant to the waiver must be uploaded to the RSRO system.

Policies and procedures approved or revised after August 1, 2017, are set off by a gray background.

### **Waiver Submission Procedures.**

1. Waiver requests shall be submitted to the NCAA national office via RSRO.

NCAA Division I institutions are not required to submit a formal waiver request to the national office via RSRO for circumstances involving the previously approved waiver process. Previously approved waiver submissions must be reported to an institution's

conference office on a quarterly basis each year. More information on the previously approved waiver process is available on the Division I legislative relief waivers website. RSRO requires that the waiver submission must be e-signed or have a signature uploaded by two of the following individuals of the involved institution (one of whom must be from outside the athletics department): chancellor, president or faculty athletics representative; and director of athletics or senior woman administrator. A waiver request 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). A waiver request submitted by an NCAA (sub)committee shall be signed by the chair or a member of that (sub)committee. Stamp signatures will not be accepted.

2. Waiver submissions for individual student-athletes or prospective student-athletes are required to include a signed Buckley Statement.
3. The case will be considered complete when all required information is uploaded into RSRO (either by the applicant institution or by the academic and membership affairs staff). Case processing timelines begin once required information is uploaded to RSRO.

#### **Review Guidelines.**

1. The request shall set forth the background of the involved situation and the reason(s) the institution, conference or NCAA (sub)committee believes relief from the application of the legislation is warranted. In addition to the information included in the submission, the institution, conference or NCAA (sub)committee may submit additional information that it believes is relevant to the case. All relevant documentation must be included with the original submission of materials (e.g., medical documentation, educational transcripts, game schedules), since a decision will be made by the staff and committee based solely on the submitted documentation from the applicant institution. The committee and staff will review only written documentation. NCAA (sub)committee 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 committee shall direct the staff to contact the applicant institution to request that the additional information or documentation be submitted.
2. The institution, conference or NCAA (sub)committee normally will receive a decision through RSRO to its waiver submission within three weeks of receipt of the appropriate materials at the national office. In such cases where a decision is needed sooner, it is important for the submitting institution, conference or NCAA (sub)committee to specify clearly the reason(s) the issue may be time sensitive. **Waivers involving transfers or delayed enrollment are not considered urgent requests.** For urgent requests involving unforeseen circumstances (e.g., death, severe injury or illness, catastrophic events), the committee granted the staff authority to provide relief of the legislation via the telephone. In such circumstances, 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. If an applicant institution or conference includes 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 submit all application materials and supporting documentation to the member institution(s) or conference cited as part of the allegations. The applicant must 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 committee and provide a copy of the response to the applicant. The response will be included in the application materials for review. If the submission materials involve a specific student-athlete(s), the staff is unable to provide applicant's application materials or supporting documentation to another member institution without a written release from the student-athlete(s) according to federal law (i.e., Federal Educational Rights and Privacy Act).

3. If a waiver request involves 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 will review the documentation and provide an analysis, which will be included as part of the waiver request and considered by the legislative relief waiver staff and committee when reviewing the request.
4. If a legislative relief request involves issues, arguments or mitigation regarding an education-impacting disability (e.g., impairments such as mental health disorders, eating disorders, learning disability, Attention Deficit Hyperactivity Disorder, medical conditions, and deaf/hard of hearing) the information may be shared with an expert in that field. The expert will review the documentation and provide an analysis, which will be included as part of the legislative relief waiver request and considered by the legislative relief staff and committee when reviewing the request.
5. For transfer waiver submissions involving sports that cannot use the one-time transfer exception [Bylaw 14.5.5.2.10-(a)], the legislative relief staff may request the applicant institution to share all waiver materials with the previous institution after submission of the request to the NCAA. Applicant institution will provide, along with the waiver submission, a signed release from the student-athlete in order to facilitate the sharing of information. The legislative relief staff will seek comment on waiver materials and the position on the request from the previous institution within 10 business days of receipt of the materials. Applicant institution and the NCAA staff will be copied on any responses from the previous institution.

In addition:

- a. The staff will request that any available information on the prospective student-athlete be provided by the enforcement staff;
  - b. The legislative relief staff will request 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; and
  - c. The case manager will 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. For cases involving misinformation, a lack of information or institutional error in which a student-athlete(s) is detrimentally impacted by the actions of institutional personnel, if the applicant institution benefits (request is approved) as a result of the circumstances, the chancellor or president, director of athletics, senior compliance administrator and primary institutional contact listed in RSRO will be notified by letter from the staff detailing the chronology of the institution's/individual's actions. A member of the staff or committee may call an institution's chancellor or president to provide notice regarding the institution's plans to prevent future instances of misinformation/error when an institution has submitted multiple waiver requests involving misinformation, a lack of information or institutional error that has detrimentally impacted a student-athlete.

### **Review Procedures and Policies.**

1. Waiver submissions will be prioritized based on the date of the next contest or event, the order in which the submission was received and the timing of when the waiver was determined to be necessary. Once all relevant information is submitted, the staff generally requires a minimum of 48 hours to complete a thorough review of the information presented. Thus, if a submission is not complete until less than 48 hours prior to competition or the event, the staff may not be able to render a decision prior to the contest or the event. All submissions should be uploaded to the staff, through RSRO, in a timely manner once the waiver is determined necessary in order to ensure a complete review can be conducted prior to the next contest or event.
2. Reconsideration requests may be submitted to the committee if the request contains new information that was not available to either the student-athlete or the applicant. Reconsiderations can be submitted by use of the withdraw/appeal/reconsideration tab on RSRO within 30 calendar days from the time the decision is populated and released to appeal a decision. An explanation must be submitted to clarify the reason(s) the new information was not originally available. Any additional or repetitive information that was

originally available to the student-athlete, institution, conference or NCAA (sub)committee may not be submitted for reconsideration. The director or the associate director who oversees the committee shall determine if the new information standard is met for all reconsideration submissions. If the reconsideration standard is met, the NCAA staff will reopen the case on RSRO and make a decision based on the new set of facts. If the director or associate director determines that the new information standard is not met, then the reconsideration submission shall be denied.

The applicant may appeal the director's or associate director's decision to deny the reconsideration submission to the chair of the committee through RSRO. If the chair determines that the submission should be reconsidered by the committee, then the staff will forward the case to all members. If the chair affirms the director's or associate director's decision to deny the submission for reconsideration, the chair's decision is final. In the event that the chair recuses himself or herself, the vice chair of the committee will review the appeal for a decision.

3. The committee consists of seven members who are from Division I institutions and conference offices. The committee will serve as an appellate body for all staff decisions that the membership wishes to appeal. The committee's consideration of an appeal is the committee's first review of the institution's submission, and its decision is final, binding and shall not be subject to review by the Legislative Council or any other authority.
4. The staff will make a decision on behalf of the committee, except for submissions involving blanket waivers in certain situations. The staff will make a decision on blanket waivers in the following situation: (a) Blanket waiver requests resulting from newly adopted legislation; and (b) Blanket waiver requests from the NCAA Division I Council (or one of its standing committees), NCAA Division I Board of Directors or the NCAA Board of Governors. On request of the staff or committee, a waiver may be elevated directly to the committee without a staff decision. Once an institution, conference or NCAA (sub)committee has received notice of the staff's decision by way of RSRO, the institution has 30 calendar days to accept the decision through RSRO. If the decision is accepted, the institution waives its right to appeal the decision. An institution, conference or NCAA (sub)committee has 30 calendar days from the time the decision is populated and released in RSRO to appeal a decision. After 30 calendar days, the case is automatically closed. Exceptions to this policy may be granted by the committee chair when an institution is able to demonstrate in writing that exceptional circumstances caused the institution's appeal to be submitted beyond the 30-calendar day appeal period.
5. In its request for an appeal, the institution is required to provide a rationale statement within the RSRO appeal text box noting why the staff's decision should be modified or overturned by the committee. The institution is also required to provide a letter in support of the appeal from an individual who has primary responsibilities outside of athletics and has authority

to sign off on an initial request through RSRO (e.g., chancellor or president, faculty athletics representative).

6. Electronic appeals are posted once per week for committee review. The committee has one week after from the day the appeal is posted to render its decision.
7. If a staff decision is appealed, the case will be submitted to the seven committee members of the Division I Committee for Legislative Relief. Committee members cast a vote by sending an email vote to the national office. 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; and in situations where the staff did not issue a decision, the director or associate director will cast the tie-breaking vote.

All waiver decisions are based on the facts made available to the staff and/or committee at the time a decision is rendered. NCAA staff reserves the right to request that the committee place a case under review subsequent to a decision if relevant information related to the waiver is discovered by the legislative relief staff that may have impacted the staff's original decision had the information been made available at the time the decision was issued. The legislative relief staff will request additional information, via RSRO, from the applicant institution and provide a second review of the waiver submission. Applicant institution is permitted to appeal the staff decision on the waiver submission.

8. Members of the committee shall not discuss a pending request with institutional representatives, the prospective or enrolled student-athlete, or his or her legal counsel without all parties having the opportunity to participate. Further, the (sub)committee members may contact the staff to request that additional information about the case be obtained prior to a final decision.
9. Procedures for committee for legislative relief appeal teleconferences involving the applicant institution.

To request a Legislative Relief Appeal Teleconference, the applicant institution must submit a written request to the chair of the Committee for Legislative Relief, detailing the reasons for a teleconference (e.g., why an appeal teleconference is necessary). The chair will review the applicant institution's request, taking into consideration the complexity of the waiver and bylaw cites involved, to determine whether a teleconference is appropriate.

The Committee for Legislative Relief requires a minimum of 48 hours to review documentation prior to a teleconference appeal. Exceptions to this policy can be made if the legislative relief director, associate director and the committee chair determine that the urgency of the case warrants immediate consideration and the committee is able to thoroughly review the documentation prior to the call. For all appeals conducted by teleconference, at least one of the following institutional representatives must participate

in the appeal: chancellor or president (or individual designated by the chancellor or president), faculty athletics representative or director of athletics. The involved student-athlete must participate in the teleconference. Other applicant institution representatives, including the involved prospective student-athlete, may participate on the call. The applicant institution and involved prospective student-athlete or student-athlete may have legal counsel participate on the call. The chair also has the authority to request additional individuals to participate on the call. The committee may affirm, modify or overturn the staff's decision.

- a. A quorum for committee review of appeals shall be a simple majority of the committee members who may properly hear the appeal.
- b. Once all parties participating on the conference call have been introduced, the legislative relief staff has 10 minutes to describe the facts of the appeal, the applicable precedent and the rationale for the staff's decision.
- c. The institution has 10 minutes and the participating prospective student-athlete or student-athlete has 10 minutes to describe the case and explain the reasons for requesting that the staff's decision be overturned or modified.
- d. The committee will then have the opportunity to ask questions. Only committee members may ask questions of the participants.
- e. If a participant introduces new information during its presentation of the appeal the committee chair has the authority to stop the call. If the institution would like to introduce new information, the information may be provided to staff for reconsideration.
- f. The committee may request additional information from the institution, or the staff, if the committee has questions that need to be addressed prior to rendering a decision.
- g. Once all questions have been answered and the hearing has concluded, the institutional representatives, the involved prospective student-athlete or student-athlete and legal counsel shall leave the call. The legislative relief staff will remain available to answer any procedural questions that may arise.
- h. The committee members shall deliberate on the call after the institutional representatives and prospective student-athlete or student-athlete have left the call. Once a decision has been reached by a majority vote of the committee, the lead administrator primarily responsible for processing the case shall notify the institution of the result. The decision by the committee is considered final with no

other appeal opportunity. Confirmation of the decision shall be provided to the institution by the legislative relief staff.

10. A staff or committee member shall recuse himself or herself from participation in the review of an applicant's waiver submission in which he or she is connected personally with an institution or conference. A staff or committee member with a personal relationship or institutional affiliations that reasonably would result in the appearance of bias or prejudice should refrain from participating in any manner in the processing of an institution's or a conference's waiver submission. It is the responsibility of the staff or committee member to remove himself or herself if a conflict exists. A committee 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. 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 himself or herself from participating in proceedings. Institutional objections to a committee member participating in the review of a waiver submission should be raised with the committee chair as soon as recognized but will not be considered unless the concern is raised prior to the committee's review of the matter. All committee members shall be permitted to participate in the review of blanket waiver submissions. All ex parte communication between applicant representatives and committee members about a pending case is prohibited.
11. In reaching a decision, the staff and committee shall consider the purpose and intent of any involved NCAA legislation, the well-being of involved student-athletes, possible competitive or recruiting advantages, case precedent and other factors it considers relevant. The staff and committee shall strive for consistency in treating issues involving similar circumstances.
12. The committee shall not consider appeals of decisions of an NCAA (sub)committee with the legislative authority to act.
13. Once the staff or committee has posted its decision on RSRO to approve or deny the request, the institution, conference or NCAA (sub)committee will receive a notice from RSRO stating a decision has been reached and will be instructed to log in to RSRO for further information.
14. A summary of the decisions of the staff and committees shall be provided to their respective councils on a regular basis. All actions of the Division I Committee for Legislative Relief are final and are not subject to appeal to the Division I Council or any other NCAA body.
15. For cases involving subject matter where the committee has authority and an NCAA committee or subcommittee has expertise but does not have the authority to provide the requested relief, the staff may request a written response or background information from

that committee or subcommittee in order to assist the staff and committee in making a well-informed decision. The staff will share all written materials provided by the NCAA committee or subcommittee to the applicant institution prior to a decision being rendered.

16. The committee may archive cases based on a change in committee 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 five years. The archived cases serve only as a historical resource to the membership and staff.
17. All inquiries from the media should be forwarded to the national office for response (see speaking agent policy for additional information).

#### **Administrative Committee.**

1. Purpose and Authority. During its February 2016 meeting, the Committee for Legislative Relief created the NCAA Division I Committee for Legislative Relief Administrative Committee to review complex or time-sensitive cases and render a decision on behalf of the Committee for Legislative Relief. The administrative committee may also provide staff advisory opinions. The administrative committee's advisory opinions do not preclude further staff review nor does it preclude the institution's appellate opportunity.
2. Composition. The administrative committee consists of the chair and vice chair of the Committee for Legislative Relief.
3. Duties. The administrative committee will review an institution's request for a telephonic appeal, and may review complex or time-sensitive waivers, including blanket waivers and provide staff an advisory opinion. The administrative committee will also work with Division I Council standing committees and other committees within the Division I governance structure regarding potential waivers.
4. Recusal. An administrative committee member who provided an advisory opinion on a previous legislative relief waiver shall recuse himself or herself from appellate review of the waiver.

#### **Withholding Conditions.**

1. Application of Withholding Condition. Competition Used to Fulfill Withholding Conditions.
  - a. For decisions that involve withholding from competition as a condition, the student-athlete must fulfill the condition when he or she is otherwise eligible and during

one of his or her four seasons of competition. Further, a student-athlete must fulfill the condition when he or she is medically cleared to compete by the institution.

- b. The withholding must be applied to the next regularly scheduled contest. If the next contest in the institution's schedule is part of the NCAA championship or other postseason competition then the student-athlete must be withheld from those contests.
- c. Scrimmage, exhibition or nonchampionship contests may not be used to fulfill a withholding condition unless specifically indicated by the legislative relief waiver staff.
- d. If the next contest involves an exhibition contest, nonchampionship contest or any other contest that may not be used to fulfill a withholding condition, the student-athlete may participate in the exhibition, nonchampionship or other contest that may not be used to fulfill a withholding condition prior to completion of the withholding condition.
- e. If a withholding condition will be fulfilled during a team's away-from-home trip that includes multiple contests/dates of competition, the institution may allow the student-athlete to travel and receive expenses, provided the ineligible student-athlete will become eligible and have the opportunity to compete prior to the conclusion of the trip.

The competitions used to fulfill a delayed enrollment withholding condition must be applied as follows:

- a. Team sports – the contests must be among those considered for team selection to the NCAA championship;
  - b. Individual sports with separate team championship – the dates of competition must be among those considered for team selection to the NCAA championship;
  - c. Individual sports without a separate team championship – the date of competition must be among those used to qualify for the NCAA championship; and
  - d. Sports without an NCAA championship – the date must be regularly scheduled.
2. The director or associate director, in consultation with the chair, and other committee members at the chair's discretion, has the ability to suspend a withholding condition in very limited circumstances only if the next contest is the NCAA championship, a bowl game,

the NIT or a national collegiate championship. The general practice is that student-athletes are withheld from the next contest(s) even if the next contest(s) is part of the NCAA championship, a bowl game, the NIT or a national collegiate championship and that policy remains in place. Suspension of a withholding condition is to be used in very limited circumstances where the culpability of the involved student-athlete is minimal and withholding from an NCAA championship, a bowl game, the NIT or a national collegiate championship does not seem appropriate. Further, the suspension can only be used if the student-athlete has eligibility remaining the following academic year. In addition, the request to suspend a withholding condition may only be submitted in conjunction with an appeal, if requested, or on receipt of a final legislative relief staff decision if no appeal is requested.

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

In addition to any fiduciary obligation to their institution and conference, committee members also have a fiduciary duty to the Association not to use knowledge or information obtained solely due to service on that committee to the disadvantage of the Association during the term of committee service. Further, a committee member shall not participate in the committee's discussion or vote on any action that might bring direct or indirect personal financial benefit to the member or any organization (other than the member's institution or conference) in which the member is financially interested. A committee member should also not participate in a discussion or vote for which the member's institution or conference is to be accorded a special benefit beyond benefits shared with other institutions or conferences or is to receive a penalty or disqualification. A violation of either of the above rules by a member of the committee shall not invalidate the action taken by the committee if, following disclosure of the conflict of interest, the committee authorizes, ratifies or approves the action by a vote sufficient for the purpose, without counting the vote of the committee member with the conflict of interest and the appropriate oversight body approves the action.

A committee 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 committee may result in dismissal from that position. Where such abuse appears evident, a committee member will be notified by the committee chair and will have the opportunity to present a rebuttal or details of the situation. (*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.

Committee chairs are hereby designated as speaking agents of their committees regarding issues within their committees' jurisdiction on which there is consensus, except that positions of advocacy on behalf of the committee or the Association to be communicated in writing or orally to persons or entities external to the Association must have prior approval by the 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*)