



**NCAA Division I Amateurism  
Fact-Finding Committee**

**Policies and Procedures**

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## **General Policies**

### 1. Duties.

The NCAA Division I Amateurism Fact-Finding Committee shall be responsible for making a determination of facts related to the certification of a prospective student-athlete's amateur status on request of an institution. An institution may make such a request if it disagrees with the determination of facts rendered by the NCAA Eligibility Center.

### 2. Policies and Procedures.

The committee has the authority to revise its policies and procedures at any time, subject to the approval of the NCAA Division I Student-Athlete Experience Committee.

### 3. Composition and Reporting Lines.

The committee shall consist of seven members appointed by the NCAA Division I Council. Four of the seven members must be representatives of the autonomy conferences. The committee shall report directly to the Student-Athlete Experience Committee.

### 4. Terms of Service.

Committee members shall be appointed to one four-year term. The committee members' terms shall be staggered. The committee member's term of service shall commence on the first day of September following the member's appointment. The member may be appointed to an additional term after three years have elapsed. A member may not serve more than two terms on the committee.

### 5. Appointments and Resignations.

The Council shall appoint members of the committee as needed to fill vacancies in accordance with the NCAA national office committee administration policy.

If a committee member decides to resign from the committee, the committee member shall provide written notice to the NCAA staff member responsible for committee administration. On receipt of a written notice of resignation, the national office will initiate procedures to solicit and appoint a new member.

6. Selection of the Chair.

The committee shall solicit nominations from its members and shall recommend one member to the Student-Athlete Experience Committee to serve as chair. The Student-Athlete Experience Committee shall appoint the chair. Generally, the committee chair shall serve as chair for the remainder of the term on the committee.

7. Confidentiality.

The committee and the staff shall treat all cases before them as confidential until they announce the determination in accordance with the prescribed procedures. The staff shall not confirm or deny the existence of a case prior to complete resolution of the case through normal NCAA procedures. However, if the involved institution makes a public announcement concerning a case, the director of amateurism certification (or designee) may confirm information made public and may address erroneous or incomplete information about matters made public by the institution, prospective student-athlete or other involved individual. The national office may issue a press release on behalf of the NCAA when deemed appropriate by the vice president of the Eligibility Center.

8. Ex-Parte Communications.

Members of the committee shall not discuss the substance of a pending appeal with the NCAA staff, institutional representatives, the prospective student-athlete or representative(s), parent(s) or legal guardian(s) without all parties having the opportunity to participate. The staff may contact committee members to arrange review of an institution's request for a determination, provide the staff's evaluation of a reconsideration request, or discuss procedural matters relevant to the committee's discharge of its duties.

9. Submission of Information.

All materials relevant to the committee's review of a request shall be submitted to the Eligibility Center staff by the institution. The prospective student-athlete, representative(s), parent(s), and/or legal guardian(s) shall forward any submissions through the involved institution.

10. Requests for New Information.

The committee shall not endeavor to gather additional information. However, prior to issuing a determination, the committee may request additional information from the Eligibility Center staff, institutional representatives, the prospective student-athlete or representative(s).

11. Basis of the Determination.

The committee may consider any information provided to it and, in the event of a hearing, the presentation(s) of the parties. The committee shall base its findings on such information as it determines to be credible, persuasive and of a kind on which reasonably prudent persons rely in the conduct of serious affairs.

12. Quorum.

A quorum of more than 50 percent of the committee members is required for the committee's review of requests. If the designated committee chair cannot participate in the review, a presiding chair will be appointed. If it is not possible to have the entire committee hear or review the request and it is necessary to do so without delay, the proceeding or review may take place with less than a full committee as long as the quorum requirements are met.

13. Recusal.

A committee member shall recuse himself from participating in proceedings (e.g., representing their institution or deliberating as a committee member) when he is directly connected with the involved institution making the request. Circumstances that warrant recusal include, but are not limited to, reviews involving the committee member's institution or another institution in the committee member's conference. A committee member with a personal relationship or institutional affiliation that reasonably would result in a conflict or the appearance of bias or prejudice should refrain from participating in any manner in the processing of a request for determination of facts. It is the responsibility of the committee member to remove himself if a conflict exists. Objections to the participation of a committee member should be raised as soon as identified. The chair of the committee has the final authority to determine whether a committee member shall recuse himself.

14. Voting Requirements.

The final determination(s) of fact shall be decided by majority vote of the committee members present and voting. Committee voting is private, and voting results will not be provided to the media, the involved institution or the prospective student-athlete [or representative(s), parent(s) or legal guardian(s)].

15. Authority to Determine a Violation.

The committee does not have authority to determine whether a violation has occurred. Such a determination may be based on agreement between the Eligibility Center staff and the institution. In the absence of such agreement, an interpretation may be obtained in accordance with the policies and procedures that govern the amateurism certification process.

16. Authority to Determine Certification Conditions.

The committee does not have authority to issue or waive certification conditions. If the institution and Eligibility Center staff agrees a violation has occurred, or a violation is determined through the interpretations process, certification conditions shall be determined in accordance with the policies and procedures that govern the amateurism certification process.

## **Issuing a Determination of Facts**

1. Requesting a Determination of Facts.

An institution may request a determination of facts related to the certification of a prospective student-athlete's amateur status when the institution disagrees with one or more factual determinations in the final statement of facts issued by the Eligibility Center. An institution may also request a committee determination where mitigation submitted in support of a waiver request or determination of certification conditions is deemed inconsistent with information developed by the Eligibility Center staff.

2. Timing of the Request.

A request for review must be submitted, in accordance with committee policies and procedures, within 30 calendar days from the date on which the Eligibility Center staff provided a written statement of facts to the prospective student-athlete or institution. The chair of the committee may grant an exception to the 30-day policy on written request from an institution, provided the institution can demonstrate exceptional circumstances necessitate the exception.

3. Establishing the Scope of the Review.

Prior to submitting a request for review, the institution and Eligibility Center staff shall agree on the matters in dispute and the wording of the question(s) to be presented to the committee.

4. Review Schedule.

On receipt of the institution's request, the committee liaison shall notify the institution of the next available date(s) for review by the committee. The committee generally meets once every two weeks by teleconference. However, the next available date for review will be the first scheduled teleconference after all materials are available for review pursuant to the following:

a. Institution's Submission.

The institution shall provide its submission for the committee within 10 days of its request for a determination. This submission shall not include any new

information (i.e., information not previously provided to the Eligibility Center staff) and shall include all of the following information and documentation:

- (1) A completed request form, which shall include signatures from the following individuals:
  - (a) Chancellor or president, or the faculty athletics representative;
  - (b) Senior woman administrator or director of athletics; and
  - (c) The prospective student-athlete (and the prospective student-athlete's parent or guardian, if the prospective student-athlete is under 18 years of age).
- (2) The institution's position with respect to each of the questions contained in the institution's request for a determination of fact(s). The institution shall include the rationale for its position(s) and shall include any supporting documentation or information the institution believes supports its position(s) and the source(s) of such information.

If the institution's submission deviates from the questions to which the institution and the Eligibility Center previously agreed, the committee liaison may suspend or cancel the request for a determination. Renewal of a canceled request shall be subject to policies and procedures governing timing of the request.

b. Eligibility Center's Submission.

Within five business days after receiving the institution's submission, the Eligibility Center staff shall provide the institution a copy of the Eligibility Center's submission. The Eligibility Center's submission shall include:

- (1) A factual overview of the review, including the proposed statement of facts and enough contextual information to understand the individuals, entities and issues involved;
- (2) The Eligibility Center position with respect to each of the questions contained in the institution's request for a determination of fact(s), including any supporting documentation or information the Eligibility Center believes supports its position(s) and the source(s) of such information.

c. Institution's Reply Memorandum.

The institution may draft a reply memorandum responsive to the Eligibility Center's submission if the institution believes new information or unforeseen arguments have been put forth. The institution shall not raise new issues or introduce material that should have been included in a full and fair opening submission. Further, the institution shall not include newly gathered information or deviate from addressing the agreed-upon question(s) before the committee.

d. Deadline for Submission to the Committee.

All submissions must be provided to the committee members no later than 48 hours prior to the teleconference. If the timing of submissions does not allow for the committee to receive materials at least 48 hours in advance of the scheduled call, the teleconference may be rescheduled or the review may be delayed until the next scheduled teleconference.

5. Review by the Committee.

The committee shall vote by teleconference following review of the written record and discussion among committee members. The committee liaison shall be present to record the vote. In the case of a tie vote, the committee will meet via teleconference to discuss the request and reach a majority decision.

6. Request for a Hearing via Teleconference.

At any time before the committee has issued a determination, the chair of the committee may authorize a hearing conducted by teleconference. All committee members and parties to the hearing will be notified no less than 48 hours prior to the teleconference.

7. Parties to a Hearing via Teleconference.

The following individuals shall be present during a hearing:

- a. The committee liaison(s);
- b. The Eligibility Center staff member(s) primarily responsible for the review;
- c. The prospective student-athlete;

- d. If the prospective student-athlete is under 18 years of age, the prospective student-athletes' parent(s) or legal guardian(s), and at least one of the following:
- e. Senior compliance administrator, faculty athletics representative, senior woman administrator; or director of athletics from the involved institution.

The following individuals may be present during a hearing:

- a. The involved institution's legal counsel or other representative(s);
- b. Other institutional staff members;
- c. Prospective student-athlete's legal counsel or other representative(s); and
- d. Members of the NCAA national office staff.

8. Hearing Procedures.

The hearing shall be conducted pursuant to the following procedures:

- a. Once all parties participating in the hearing have been introduced, the Eligibility Center staff shall have approximately 10 minutes to provide a brief overview of the matter, set forth the facts as proposed by the staff and explain the basis for the staff's determination. An institutional representative and the prospective student-athlete shall be afforded 10 minutes each to set forth their respective positions and explain the basis for their disagreement with the staff's determination.
- b. The Eligibility Center staff, institutional representative and prospective student-athlete will each be afforded five minutes to provide a closing statement at the conclusion of all presentations.
- c. The committee chair may terminate the teleconference at any time if the information being presented is repetitive in nature or if new information (i.e., information not previously provided to the Eligibility Center staff) is presented.
- d. The committee may decline to issue a determination if the committee believes the institution or prospective student-athlete should reasonably be expected to provide additional information regarding the matters in dispute.
- e. When the hearing has concluded, institutional representatives, the prospective student-athlete, and the prospective student-athlete's parent(s), legal guardian(s)

and representative(s), and legal counsel or other representatives shall leave the teleconference.

- f. The recording shall be terminated, and all parties except committee members and committee liaison(s) shall leave the teleconference prior to the start of deliberations. The committee liaison shall be present to record the vote.
- g. All fact-finding proceedings and committee materials are confidential. Institutional representatives and other participants on the teleconference shall maintain the confidentiality of the information discussed and the identity of the participants.
- h. When a request involves both Divisions I and II bylaws, the committee shall make a determination of facts for both divisions if it has jurisdiction over the division in which the involved institution holds membership.
- i. Once a decision is rendered by the committee, the chair will notify the committee liaison of the determined facts. The committee liaison shall notify the involved institution the determined facts.

9. Prohibition on Requesting a Determination of Facts.

By requesting an interpretation, waiver, or determination of certification conditions, the institution acknowledges agreement with the facts on which the request was based. Therefore, the institution is precluded from requesting a factual determination after requesting an interpretation, waiver or determination of certification conditions unless the request complies with the reconsideration standard set forth herein.

10. Appeals.

The committee's decision shall be the final determination of fact with respect to the matters before it and shall be used, in combination with any agreed-upon facts, as the basis for evaluation of the prospective student-athlete's certification status (e.g., interpretations, waivers, certification conditions). No further appellate opportunities are available.

11. Reconsideration.

The institution or Eligibility Center staff may request reconsideration of a committee determination based only on the submission or discovery of new information that is likely

to affect the certification decision. The information must be (1) newly discovered, (2) nonrepetitive, and (3) not reasonably available to any party involved in the review at the time of agreement for reconsideration to be appropriate. If the director of amateurism certification determines the reconsideration standard has not been met, or the new information does not change the Eligibility Center's determination of the facts, the committee chair may review the new information on request from an institution. The committee chair may grant reconsideration only after concluding the information meets the reconsideration standard and is of such importance as to make a different factual determination probable.