



## **NCAA DIVISION II CHAMPIONSHIPS APPEALS SUBCOMMITTEE POLICIES AND PROCEDURES** *(Updated April 2020)*

According to NCAA Division II Bylaw 21.8.6.3 (appeals subcommittee), the NCAA Division II Championships Appeals Subcommittee shall hear and decide appeals of Division II sports committee's decisions.

The Appeals Subcommittee shall consist of five members, including two members of the Division II Championships Committee, two members of the Division II Management Council and the chair of the Championships Committee. The chair of the Appeals Subcommittee shall be the same individual who serves as the chair of the Championships Committee and shall vote only in the case of a tie.

The subcommittee reviews and considers appeals of sports committees' decisions as well as nullifications. The subcommittee does not have authority to hear appeals of selections decisions. Since it acts on behalf of the Management Council, all decisions of the subcommittee are final.

**The following sports committee actions relative to championship administration are subject to appeal to the appeals subcommittee:**

1. Automatic-qualification decisions;
2. Assessment of penalties for misconduct;
3. Assessment of penalties for failure to adhere to policies and procedures governing championships administration; and
4. Nullification.

Appeals must be submitted in writing to Roberta Page, director of championships and alliances and staff liaison to the Championships Committee, at the NCAA National Office via email: [rpage@ncaa.org](mailto:rpage@ncaa.org). All information pursuant to the appeal must be submitted.

NCAA member institutions and conferences may appeal a sport committee decision using the following protocols.

### **Appeal Procedures.**

1. The appeal of a decision made by a sports committee must first be submitted to and considered by the sports committee itself. The appeal must be submitted in writing no later than 30 days after receipt of notification of the original decision. The appeal to the sport committee and any subsequent appeals must be signed by the institution's director of athletics. If the appeal applies to a conference issue, it must be signed by the commissioner.
2. Institutions will not be permitted to request an appeal within 48 hours of championship selections. This policy applies to sport committee decisions and championship subcommittee appeals.

3. The appeal of a nullification decision must be submitted no later than three business days after the electronic notification from enforcement. Nullification appeals are heard by the championships appeals subcommittee and do not begin with the sport committee.
4. The sports committee must make available to the involved party the opportunity to present the appeal during a teleconference, if the appellant wishes to do so. Otherwise, the appeal will be by written submission.
5. If consideration of an appeal could potentially impact an institution or conference other than the one submitting the appeal (for example, if a conference appeals for automatic qualification and such action would displace another conference), that other entity must be provided an opportunity to respond as well.
6. If the sports committee upholds its original decision, that action may be appealed to the championships appeals subcommittee. That appeal must be submitted to the subcommittee within 30 days of receipt of notification of the sports committee's action.
7. If a decision involving misconduct or failure to adhere to championships policies and procedures is appealed to the championships appeals subcommittee, the subcommittee will afford to the involved party the same opportunity for a teleconference, if the appellant wishes to do so; otherwise, the appeal will be by written submission.
8. Institutions involved in nullification appeals are not permitted to participate in subcommittee teleconferences. The appeal will only be by written submission.
9. If new information not originally available to the sport committee becomes available, a reconsideration request may be submitted within 30-calendar days to the sport committee by the institution. Any new information must first be reviewed by the sport committee regardless of the appeal status (i.e. whether the appeals subcommittee has reviewed the case or not). An explanation must be included to clarify the reason(s) the new information was not originally available. Any additional or repetitive information that was originally available may not be included for reconsideration. If the reconsideration standard is met, the sport committee will review the appeal and make a decision based on the new set of facts. If the sport committee liaison determines the new information standard is not met, the reconsideration request shall be denied.

NOTE: Timelines may be shortened if outcomes are of an immediate nature.

### **Content of Appeal Requests.**

1. At a minimum, a letter signed by the director of athletics (or, in the case of an issue impacting a conference, the commissioner) that details the rationale and request for an appeal, should be submitted to the sport committee or championships appeals subcommittee for nullification appeals.
2. Institutions should also submit all supporting documentation that will help provide full context to the committee.

3. Once the committee renders its decision, the staff liaison to the Championships Committee will send written notification of the decision to the institution.
4. If the institution wishes to appeal the decision of a sport committee, the director of athletics should submit a new appeal letter to the national office as noted above.
5. Championships appeals subcommittee decisions are final.

### **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 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 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 or she may have hereunder and should recuse himself or 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 NCAA 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 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 Board of Governors 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*)

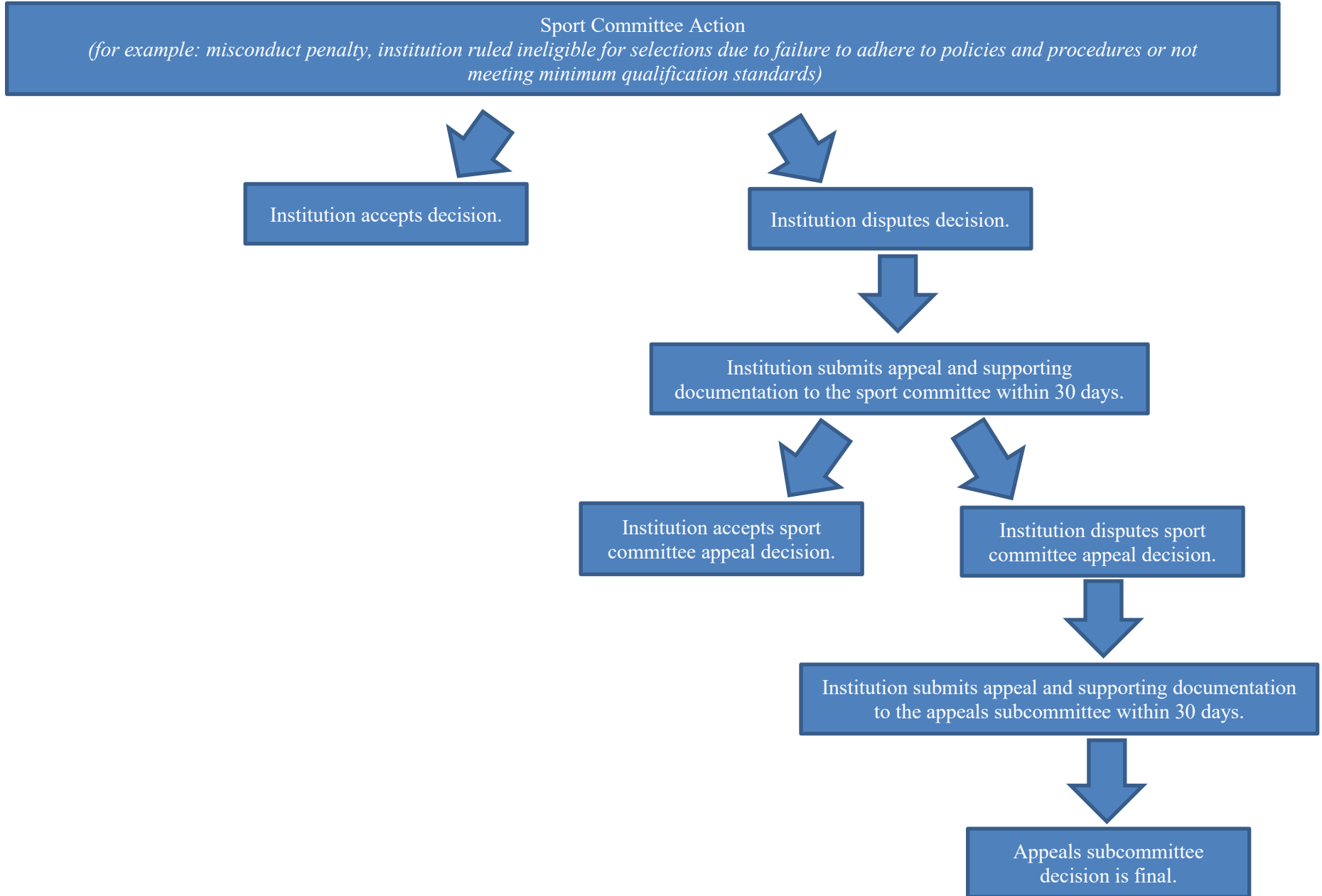


# NCAA DIVISION II CHAMPIONSHIPS APPEALS SUBCOMMITTEE PROCESS CHART

## SPORT COMMITTEE PROCESS

*(Updated April 2020)*

The NCAA Division II Championships Appeals Subcommittee hears and decides appeals of Division II sports committees' decisions. Below is a flow chart for how appeals decisions are determined.



## NCAA DIVISION II CHAMPIONSHIPS APPEALS SUBCOMMITTEE PROCESS CHART FOR NULLIFICATION (Updated April 2020)

The NCAA Division II Championships Appeals Subcommittee hears and decides appeals of nullification. Below is a flow chart for how appeals decisions are determined for nullifications.

