



**NCAA DIVISION I ACADEMICS AND ELIGIBILITY COMMITTEE
ATHLETICS ELIGIBILITY SUBCOMMITTEE**

**POLICIES AND PROCEDURES
(Updated July 2026)**

**NCAA Division I Academics and Eligibility Committee
Athletics Eligibility Subcommittee Philosophy**

The NCAA Division I Academics and Eligibility Committee Athletics Eligibility Subcommittee subscribes to the students-first philosophy, ensuring the individual student-athlete as well as the general student-athlete body is at the forefront of each decision. With respect to a violation, the Athletics Eligibility Subcommittee and the athletics eligibility staff attempt to place the student-athlete back in the position they would have been prior to the violation occurring while maintaining the integrity of the Association's values. Overall, the subcommittee and staff conduct their work by evaluating the totality of the circumstances surrounding each case and reaching an outcome that considers the well-being of the student-athlete involved while maintaining fairness.

PROCEDURES

**(Including Student-Athlete Reinstatement Requests, Eligibility Waivers and Pre-Enrollment
Athletics Eligibility Certification Conditions (ACP))**

The student-athlete reinstatement process provides for the evaluation of institutional self-reports submitted on behalf of student-athletes and/or prospective student-athletes who have been involved in a violation of NCAA regulations affecting their eligibility, to assess the student-athlete's or prospective student-athlete's responsibility and determine appropriate conditions for reinstatement of eligibility. This process also provides for a review of institutional requests for various waivers for which the subcommittee has the authority to act. Decisions on both reinstatement and other waiver requests are based on national standards established by the NCAA Division I membership, the Academics and Eligibility Committee and the subcommittee and are applied by staff.

Initial Staff Decision

1. When a member institution determines that an enrolled student-athlete or prospective student-athlete has been involved in a violation of NCAA rules, it is obligated under Division I NCAA Bylaw 12.10.1 to declare the individual ineligible and withhold the student-athlete from all intercollegiate competition. The subcommittee processes reinstatement requests for violations of Bylaw 10 (ethical conduct); Bylaw 12 (athletics eligibility); Bylaw 13 (recruiting); Bylaw 14 (academic eligibility); Bylaw 15 (financial aid); Bylaw 16 (awards, benefits and expenses for enrolled student-athletes); and Bylaw 17 (outside competition). If necessary, an institution should contact the staff to obtain an interpretation concerning the appropriate application of the legislation.
2. Cases must be submitted through Requests/Self-Reports Online (RSRO) system. Prospective student-athletes seeking reinstatement for pre-enrollment athletics eligibility

certification conditions (ACP) and all student-athletes are required to complete a case-specific signed Buckley Statement. This signed Buckley Statement is in addition to the standard Buckley Statement all student-athletes sign during the campus athletics orientation meeting and is located within RSRO. If the institution requires an urgent decision (i.e., because of pending competition within the next 10 calendar days), it should be noted in the request. Institutions are required to provide a statement from the student-athlete or prospective student-athlete requesting reinstatement or the waiver. Only written materials submitted through RSRO will be reviewed by the staff and subcommittee.

3. The institution is responsible for developing complete, accurate and thorough information prior to submitting a request. Further, in situations involving multiple student-athletes who are part of an ongoing case where the core issue is the same, an institution shall make every effort to process all requests at the same time to provide the staff and subcommittee with a complete understanding of the totality of the circumstances.
4. After a request is submitted through RSRO, it is assigned to a staff member who reviews the request and may require additional information prior to reaching a decision. Any additional information will be requested through RSRO. An institution is required to upload additional information into RSRO for staff. While staff may gather additional information relevant to the request, its primary purpose is not to act as a fact-finding body but rather to ensure the facts are developed. It is the institution's responsibility to gather the facts necessary to process a request. Once all materials relevant to the institution's request have been submitted, staff will make a decision pursuant to authority delegated by the subcommittee and in accordance with its established policies.
5. Requests will be prioritized based on the next date of competition during the championship segment for that sport, the order in which the case was received and the timing of when the issue was discovered. After necessary information is received and the case is complete, staff generally require 72 hours to complete a thorough review of the information presented before rendering a decision. Thus, if a case file is not complete until less than 72 hours prior to competition, staff may not be able to render a decision prior to the contest. All requests should be submitted to staff in a timely fashion to ensure a complete review can be conducted prior to the next competition.
6. Urgent requests are ones involving competition during the championship segment within 10 calendar days. For a waiver to be processed prior to competition, the waiver request must be received through RSRO 30 calendar days prior to the date of competition. Further, complete information regarding the waiver must be received by staff seven days prior to the first contest.
7. Involvement with NCAA enforcement staff. There may be instances where reinstatement cases are connected with NCAA enforcement related matters. In such cases, the athletics eligibility staff reserves the right to work with the enforcement staff, which may include

the sharing of information (including factual information gathered by the enforcement staff through its legislatively permitted importation of facts). If the enforcement staff determines the institution's report contains information that is either contradictory to information obtained by the enforcement staff or appears incomplete, the athletics eligibility staff may follow-up with the institution specific to the concerns related to the facts.

- For cases in which the enforcement staff determines the institution's reinstatement request appears incomplete and if the institution agrees the reinstatement request needs to be further developed, the enforcement staff may assist with the development of the issues. However, if the institution determines the reinstatement request is complete, then the athletics eligibility staff will make a decision based on the institution's report. If concerns are later substantiated, then the institution could be subject to the enforcement process and the reinstatement decision could be voided.
 - For cases in which the enforcement staff has information that is contradictory to the information submitted by the institution, the reinstatement process will be suspended until the institution and enforcement staff agree to the set of facts associated with the request. At no point will a reinstatement request move forward if the enforcement staff has information which contradicts the information being submitted by an institution in its reinstatement request.
8. Involvement with the NCAA Eligibility Center athletics eligibility certification process. The subcommittee will create and update guidelines for athletics eligibility certification decisions to be issued by the athletics eligibility staff.
- Upon a prospective student-athlete's receipt of "Final: Not Certified" decision from the NCAA Eligibility Center, the applicant institution may request reinstatement through RSRO. The athletics eligibility staff will determine appropriate certification decisions, including applicable conditions.
 - The athletics eligibility staff will use the athletics eligibility certification review summary posted in the prospective student-athlete's NCAA Eligibility Center account (which may include facts determined by NCAA Eligibility Center staff or the fact-finding process). If additional information is needed, the athletics eligibility and enforcements staffs will work jointly to gather additional information.
 - As with any request, the athletics eligibility staff may not render a decision if any facts and/or violations are in dispute.
 - The athletics eligibility staff will then notify the applicant institution and the NCAA Eligibility Center staff of the athletics eligibility certification decision, including any conditions, to complete the prospective student-athlete's certification.

- All communication with an institution regarding an athletics eligibility certification decision including, but not limited to, the application of an athletics eligibility certification condition will be limited to the athletics eligibility staff and institution.
9. If a 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 request and considered by the athletics eligibility staff and subcommittee when reviewing the request.
 10. If a request contains statements or assertions regarding another member institution's or conference's conduct or actions, the institution submitting the request may be required to submit all application materials and supporting documentation to the member institution(s) or conference cited as part of the waiver request. The institution submitting the request 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 and provide a copy of the response to the institution submitting the request. The response may be included in the application materials for review. If no response is received, the subcommittee can determine how to weigh the nonresponse. The athletics eligibility staff is unable to provide 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). If the institution elects not to provide statements or assertions regarding another member institution or conference's conduct or actions to the involved member institutions or conferences, those statements or assertions will not be considered in the decision by the athletics eligibility staff or subcommittee and must be removed from the waiver submission.
 11. After the athletics eligibility staff has reviewed the institution's request and all interpretive issues have been resolved and research has been completed, the athletics eligibility staff may approve a request; approve a request with condition(s); or deny a request. The institution will be notified of the decision through RSRO. The institution has 30 calendar days to accept or appeal the decision in RSRO. If the decision is accepted, the institution waives its right to appeal the decision. After 30 calendar days, the case is automatically closed and an appeal may not be requested in RSRO.
 12. Reconsideration requests may only be submitted if the request contains new information (supported by contemporaneous documentation) that is germane to the original waiver assertions and was not readily available to any involved individual at the time of the previous decision. Reconsideration can be requested through RSRO under the withdraw/appeal/reconsider tab from the time the decision is populated and released. An

explanation must be submitted detailing the reason(s) the new information was not originally available. Any information that is not germane to the original assertions or repetitive information that was originally available to the student-athlete or institution may not be submitted for reconsideration. If the reconsideration standard is met, the athletics eligibility staff will reopen the case in RSRO and issue a decision based on the new information. If the new information standard is not met, then the reconsideration submission shall be denied. The institution may appeal the athletics eligibility staff's denial to process the reconsideration request to the subcommittee chair. If the subcommittee chair determines the new information meets the reconsideration standard, the athletics eligibility staff will process the reconsideration request and issue a new decision.

Appealing Staff Decisions to the Athletics Eligibility Subcommittee

1. The institution will be notified of the reinstatement or waiver decision through RSRO. The institution may then appeal this decision to the subcommittee. The subcommittee's consideration of an appeal is the subcommittee's first review of the institution's request and its decision is final, binding and shall not be subject to further review by any other authority.
2. The institution has 30 calendar days from the time the decision is populated and released to appeal a decision. After 30 calendar days, the case is automatically closed. Exceptions to this policy may be granted by the subcommittee 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.
3. Appeals must be requested through RSRO under the withdraw/appeal/reconsider tab. In its request for an appeal, the institution is required to provide a statement explaining why the athletics eligibility staff's decision should be modified or overturned by the subcommittee. 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).
4. For all appeals managed by the subcommittee, all factual and interpretive disputes must be resolved prior to the subcommittee reviewing the matter. Prior to consideration of the matter, the athletics eligibility staff will make available to the members of the subcommittee the institution's request and the information on which the athletics eligibility staff based its decision. The athletics eligibility staff shall include applicable case precedent in the appeal materials.
5. Appeals to the subcommittee will be reviewed via the written record.

6. The institution's appeal will include all materials the institution submitted in the original case in RSRO for the subcommittee to consider during its review. Information submitted subsequent to the request for appeal shall not be considered by the subcommittee in its review of the matter unless the information is newly available to both the student-athlete and the institution or newly existent to both the student-athlete and the institution.
7. The subcommittee will determine, by a weighted majority of subcommittee members present and eligible to vote, whether to uphold or modify the athletics eligibility staff's decision. Each member will contact the subcommittee chair with his or her vote and the subcommittee chair will determine whether the majority requirement has been met. The subcommittee chair will communicate this decision to the athletics eligibility lead administrator. A member of the athletics eligibility staff will then contact the institution with the subcommittee's decision. The NCAA Student-Athlete Advisory Committee representative does not participate in review of appeals.
8. All subcommittee materials as well as the appeal proceedings are confidential.
9. Reinstatement and waiver decisions issued by the subcommittee and the athletics eligibility staff are based on the record put forward by the institution. If further information becomes available at a later date (e.g., through an enforcement investigation) and the facts of the original decision change, the original decision becomes moot and the case will be reopened with a decision rendered on the new facts.
10. **Flow of information.** All materials relevant to the consideration of a reinstatement request, waiver request or an appeal to the subcommittee shall be submitted to the athletics eligibility staff through the institution by institutional officials using RSRO. The involved student-athlete or prospective student-athlete, as well as their legal counsel (if any), shall work with and through the institution in preparing and submitting its request or appeal. Information submitted directly to the athletics eligibility staff shall be sent to the institution for it to determine whether the information should be included in its request for appeal. It is the responsibility of the institution to advise the prospective student-athlete or student-athlete of the reinstatement or waiver process, which includes explaining the decision of the athletics eligibility staff and/or subcommittee.
11. **Materials for appeal.** All materials provided to the subcommittee as part of an appeal are confidential and will be used only for the purpose of the appeal. At the conclusion of an appeal, each subcommittee member will discard all materials for the appeal and the complete file of the case will be maintained at the national office.
12. **Publication of decisions.** The subcommittee shall have discretion to publish decisions to the membership via RSRO on a regular basis in a manner that does not identify the names of the institutions or the student-athletes

POLICIES

1. **Decisions.** Decisions, including any withholding, repayment, community service/service learning or other condition(s), will be codified in the RSRO case decision.
2. **Communication with outside legal counsel.** The athletics eligibility staff will not communicate directly with outside legal counsel of student-athletes, prospective student-athletes or institutions. Outside legal counsel may work directly with the NCAA office of legal affairs.
3. **Urgent requests.** An urgent request is a request with regular season competition pending within 10 business days. Any request that is marked urgent for any other reason does not meet this policy.
4. **Application of withholding conditions.**

- a. **Competition used to fulfill withholding conditions.**

The competitions used to fulfill a reinstatement condition must be applied as follows:

- (1) Team sports – the contests must be among those considered for team selection to the NCAA championship;
 - (2) Individual sports with separate team championship – the dates of competition must be among those considered for team selection to the NCAA championship;
 - (3) Individual sports without a separate team championship – the dates of competition must be among those used to qualify for the NCAA championship; and
 - (4) Sports without an NCAA championship – the date must be regularly scheduled.
- b. For reinstatement or waiver decisions that involve withholding from competition as a condition, withholding must occur when the student-athlete is otherwise academically and athletically eligible and during one of their four seasons of competition (e.g., the student-athlete will be charged with use of a season during any season they serve a withholding condition) or during their period of eligibility, whichever is applicable. Further, a student-athlete must fulfill a reinstatement or

waiver condition when medically cleared to compete. Withholding imposed as a condition of a waiver approval.

- Institutions may apply a withholding condition associated with an approved waiver to the first regularly scheduled contest(s) or date(s) of competition in any one of the student-athlete's remaining seasons of competition or years of their period of eligibility.
- c. If the next contest involves an exhibition, nonchampionship or any other contests that may not be used to fulfill a reinstatement condition and once the athletics eligibility staff has conducted a cursory review to determine that permanent ineligibility or a complete season penalty is not warranted, the athletics eligibility staff may provide partial reinstatement to the student-athlete for the exhibition, nonchampionship or other contest that may not be used to fulfill a reinstatement condition prior to completion of processing the reinstatement request and reaching a final determination, if withholding is appropriate.
- d. **How to calculate percent withholding.**
- Institutions should use the number of regularly scheduled contests or dates of competition for that season to determine percentage withholding.
- e. **Rounding.** In cases where the withholding condition is either a percentage or "one-for-X-based" which results in a fraction, withholding conditions of .5 and above should be rounded up, whereas withholding conditions of .4 and below should be rounded down.
5. **Stay-a-decision policy.** The athletics eligibility staff has the authority to stay-a-decision if the following conditions are met: (1) The institution and student-athlete first become aware of the violation within 48 hours of competition; and (2) Case precedent is unclear whether withholding from competition as a condition for reinstatement is warranted. If the athletics eligibility staff does grant a stay, the student-athlete will be eligible for competition until the subcommittee's first available opportunity to review on appeal.
6. **Suspension policy.** The athletics eligibility staff, in consultation with the subcommittee chair and other subcommittee members at the chair's discretion, has the ability to suspend a reinstatement condition in very limited circumstances only if the next contest is the NCAA championship, a bowl game, the National Invitation Tournament 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 National Invitation Tournament (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 student-athlete involved 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 subcommittee determined the request to suspend a reinstatement condition may only be submitted in conjunction with an appeal, if requested, or upon receipt of a final athletics eligibility staff decision if no appeal is requested.

7. Repayment and community service/service learning.

- a. Repayment of an impermissible benefit may be made to the institution (if it is the source of an impermissible financial aid benefit) or a charity of the student-athlete's choice. If repayment is made to a charity of the student-athlete's choice, the entity must be an Internal Revenue Code Section 501(c)(3) tax-exempt organization. Further, if the student-athlete is donating to a charitable athletics entity, the donation must be made to an entity from which he or she will not directly benefit as well as an entity that the student-athlete has not had any direct involvement (e.g., former athletics team). In addition, repayment must be made by the student-athlete or legal guardian (e.g., fundraising or donations may not be used to repay the benefit). Any limited exception to this policy must be approved by the athletics eligibility staff or subcommittee.
- b. Community service must be fulfilled at an Internal Revenue Code Section 501(c)(3) tax-exempt organization that meets the following criteria:
 - (1) The organization does not exist exclusively for an athletics purpose; and
 - (2) Community service is independent of any team, department, athletics or required institutional community service activities.
- c. If the reinstatement conditions require repayment and/or community service, an institution may choose to enter into a repayment and/or community service plan with the student-athlete. The athletics eligibility staff must approve the plan. The institution, however, is responsible for monitoring and verifying when payments and/or service hours are completed by the student-athlete.
- d. The institution must keep documentation of all repayments and/or community service hours which can be requested by the athletics eligibility staff at any time. Further, at the completion of the repayment and/or community service plan, documentation of each payment and/or service hour must be forwarded to the athletics eligibility staff along with a statement indicating the student-athlete has satisfied the plan.

- e. If a student-athlete competes while not current with an approved repayment and/or community service plan, the institution is in violation of NCAA rules and must report that violation to the athletics eligibility and secondary enforcement staffs.

Default occurs on a plan if, at the conclusion of the plan, all payments and/or community service hours have not been completed or if the student-athlete competes while not current with payments and/or community service hours under the plan. Failure by a student-athlete to satisfy or meet the terms of an approved plan after competing under the plan will result in the athletics eligibility staff not entering into either repayment or community service plans with the institution the student-athlete attends for a four-year period. An institution may choose to notify the athletics eligibility staff that a student-athlete has defaulted prior to conclusion of the plan and begin the four-year period on notification of default.

- f. If an institution wishes to appeal the four-year period, the institution must submit a written request to the subcommittee chair explaining its reason for relief. Cases will be reviewed by written record. An institution may appeal the institutional ban to the subcommittee chair only when an institution has a reinstatement request involving a reinstatement condition requiring repayment and/or community service/service learning (i.e., ripe request). If the appeal is approved, the institutional ban is lifted for all subsequent reinstatement requests from the institution until another default occurs.

- g. If a student-athlete transfers to another NCAA institution while subject to repayment and/or community service plan, responsibility for the administration of the plan will accompany the student-athlete to the new NCAA institution. If the student-athlete departs the original NCAA institution while not current with the plan, the initial NCAA institution will be responsible for the plan until the student-athlete is current with the terms of the plan. The new NCAA institution must modify or accept the original terms of the plan established by the previous institution and student-athlete and provide notice to the athletics eligibility staff of the updated terms by providing a copy of the plan. Once the plan between the new institution and the student-athlete is accepted by the athletics eligibility staff, the previous institution will have satisfied its obligation. The student-athlete must remain current with his or her plan to be eligible for competition.

- 8. Federal, state and local income taxes. The subcommittee determined when a prospective student-athlete or student-athlete accepts impermissible prize money, payment based on performance or other impermissible benefits that are subject to federal, state, or local income taxes, the repayment value may be reduced by the amount of taxes assessed if contemporaneous documentation demonstrates taxation occurred prior to distribution to the individual. However, if the prize money or benefits received are subject to taxation at

a later date, the individual is required to make repayment of the full value of the prize money or benefits received.

9. **Ineligibility for multisport student-athletes.** Multisport student-athletes are required to fulfill the repayment conditions in order to participate in any one of their sports. In cases where a multisport student-athlete must fulfill the reinstatement condition of missing competition as a result of a violation that is not sport-specific and the withholding condition imposed is greater than the remainder of the sport's season in which the student-athlete is currently participating, the subcommittee instructed the athletics eligibility staff to withhold the student-athlete from the remainder of the current season's contests and fulfill the remaining withholding condition during the first regularly scheduled contests of the next sport in which the student-athlete will be participating. In cases where a multisport student-athlete must fulfill the reinstatement condition of missing competition as a result of a violation that is sport-specific and the withholding condition imposed is greater than the remainder of the sport's season in which the student-athlete is currently participating, the subcommittee instructed the athletics eligibility staff to withhold the student-athlete from the remainder of the current season's contests and fulfill the remaining withholding conditions during the next season in that sport. In order to satisfy the withholding condition, the subcommittee noted that the student-athlete must be listed on the institution's squad list(s) prior to the violation in order for the student-athlete to fulfill the withholding condition in more than one sport.
10. **Criteria for staggering.**
 - a. The subcommittee determined that staggering should be allowed when multiple student-athletes from the same team are required to be withheld and the impact of the withholding condition affects the ability to field a team or creates a potential health risk on the eligible student-athletes due to playing with a decreased squad size. The subcommittee determined the condition should be fulfilled as quickly as possible with the largest number of student-athletes being withheld from the first contests.
 - b. In addition, specific to basketball, the subcommittee noted a squad size of seven members is adequate to field a team.
11. **Review of cases already decided.** The subcommittee determined if one institution, regardless of division, receives a decision on a case, another institution may not submit a second case of the same type unless there is new material information to satisfy the reconsideration policy.

12. Cross-divisional issues.

- a. Application of reinstatement conditions to transfer student-athletes. The subcommittee determined a student-athlete who was involved in a violation and then transfers between divisions (e.g., Division I to Division II) will be subject to the reinstatement guidelines of the division in which the violation occurred. Further, any appeals of the reinstatement condition will be reviewed by the divisional body associated with the institution at which the violation occurred. If the student-athlete has already been provided with a reinstatement condition or has already fulfilled a reinstatement condition at the time of transfer, the case will not be re-examined based on the new division's guidelines.

- b. Application of reinstatement conditions to transfer student-athletes. The subcommittee determined that a student-athlete who was involved in a violation and then transfers between divisions (e.g., Division I to Division II) will be subject to the reinstatement guidelines of the division in which the violation occurred.

Further, any appeals of the reinstatement conditions will be reviewed by the divisional body associated with the institution at which the violation occurred. If the student-athlete has already been provided with a reinstatement condition or has already fulfilled a reinstatement condition at the time of transfer, the case does not need to be re-examined based on the new division's guidelines.

- c. Application of waiver decisions to transfer student-athletes. The subcommittee determined that a waiver approved by the Athletics Eligibility Subcommittee (Division I), Student-Athlete Reinstatement Committee (Division II) or Committee on Student-Athlete Reinstatement (Division III) for a student-athlete who transfers between divisions (e.g., Division I to Division II) applies at the new institution to which the student-athlete transfers, regardless of the difference in division. Effective for waivers submitted to the national office via RSRO prior to July 31, 2026, 9:00 pm (eastern).

Division II and III eligibility waivers submitted after July 31, 2026, 9:00 pm (eastern) will not be considered for Division I eligibility based on adoption of Division I age-based legislation.

- d. Extension-of-eligibility waivers. Extension-of-eligibility waiver requests will be reviewed pursuant to the legislation of the division of the applicant institution.
- e. Season-of-competition waivers. Season-of-competition waiver requests will be reviewed pursuant to the legislation of the division in which the sport at the applicant institution is a member. Any appeals would be heard by the divisional body associated with the sport of the applicant institution.

- f. Hardship waivers. Hardship waiver requests will be reviewed pursuant to the legislation of the division where the injury or illness occurred or based on the legislation applicable to the student-athlete's current institution (whichever is most beneficial). The appeal would be heard by the division applicable to the legislation applied.
13. **Chancellor's and president's letters.** The subcommittee indicated letters may be sent to the chancellor or president of the institution and a copy may be sent to the commissioner of the institution's conference, when relief from the normal reinstatement or waiver outcome is provided under one of the following circumstances:
- a. Institutional error results in an ineligible student-athlete competing when he or she would have otherwise been withheld;
 - b. Subcommittee or athletics eligibility staff forgives repayment as a result of institutional error;
 - c. Subcommittee or athletics eligibility staff provides relief based on widespread error on campus or egregious misadvisement or error by an institutional staff member; or
 - d. Subcommittee or athletics eligibility staff approves a waiver based on misadvisement or coach's documented misunderstanding of the legislation.

The letter will not be punitive in nature but will serve as notification to the institution relief was provided as a result of institutional error or misinformation.

14. **Publication of decision.** In cases where the athletics eligibility staff provides a decision which: (1) Does not meet legislative requirements; (2) Does not meet a current subcommittee guideline; (3) Is inconsistent with established, previously reviewed case precedent; or (4) Involves unique circumstances identified by the athletics eligibility staff as necessary for subcommittee review, the athletics eligibility staff will provide the subcommittee a chance to review these decisions. Until the subcommittee accepts the athletics eligibility staff's decision, the case will remain unpublished until the subcommittee reviews the athletics eligibility staff's decision and the cases are not considered binding precedent for the subcommittee on appeal. If the subcommittee accepts the athletics eligibility staff's decision, the case will be published to serve as case precedent. In addition, the subcommittee may archive a case. An archived case is not considered binding case precedent and is not published. The subcommittee shall be apprised in writing of all athletics eligibility staff decisions that deviate from case precedent regardless of whether the decision is appealed to the subcommittee.

- Archiving case precedent. The subcommittee has the ability to archive cases based on a change in subcommittee philosophy; a determination by the subcommittee that a case should not remain published; or be 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 athletics eligibility staff every five years. The archived cases serve only as a historical resource to the membership and athletics eligibility staff. The athletics eligibility staff may provide archived cases to the membership for historical and educational purposes within the reinstatement process or for other NCAA purposes (e.g., NCAA Division I Committee on Infractions).

15. ***Ex Parte* communications.** Members of the subcommittees shall not discuss a pending request or a pending appeal with the athletics eligibility staff, institutional representatives, the prospective or enrolled student-athlete, or his or her legal counsel without all parties having the opportunity to participate. Prior to or after an appeal, all communication regarding a case should be directed to the athletics eligibility staff. Institutions or other interested parties shall not have contact with subcommittee members. Such contact may jeopardize the integrity of a process and decision.

The athletics eligibility staff may contact subcommittee members to arrange a teleconference or a paper review of an institution's appeal. When an institution requests reconsideration of subcommittee's decision, the athletics eligibility staff may contact the chair of the subcommittee to provide the latest information submitted by the institution, along with the athletics eligibility staff's evaluation of the new information. The athletics eligibility staff may also contact the chair regarding procedural matters relevant to processing an institution's appeal. Further, the chair may contact the athletics eligibility staff to request additional information to be obtained about the case. **All *ex parte* communication between applicant representatives and subcommittee members specific to a pending reinstatement request is prohibited.**

16. **Confidentiality.** The vice president of NCAA Division I for Governance and Member Services, the athletics eligibility lead administrator and NCAA public and media relations staff may confirm whether an eligibility reinstatement request has been submitted, whether a decision has been reached and what the decision is in a particular case. The athletics eligibility staff's release of information shall always comply with federal law (i.e., Family Educational Rights and Privacy Act). Representatives of the NCAA national office have the discretion to prepare a press release on behalf of the NCAA when appropriate.
17. **Recusal.** A subcommittee member or athletics eligibility staff member shall recuse himself or herself from participating in proceedings (e.g., representing his or her institution or deliberating as a subcommittee member) connected with a case when he or she is directly connected with the involved institution including, but not limited to, a member of the subcommittee member's institution or institution's conference. A subcommittee or athletics eligibility staff member with a personal relationship or institutional affiliation that reasonably would result in the appearance of bias or prejudice should refrain from

participating in any manner in the processing of an appeal. It is the responsibility of the subcommittee or athletics eligibility staff member to remove himself or herself if a conflict exists. Institutional objections to a subcommittee or athletics eligibility staff member participating in a review of a case should be raised with and resolved by the chair or the most senior member of the subcommittee as soon as recognized but will not be considered unless the concern is raised prior to the scheduled appeal. Exceptions to the recusal policy may be granted by the chair or most senior members of the subcommittee due to time constraints.

18. **Quorum.** A quorum of 50 percent of the subcommittee members is needed to review an appeal.