# NCAA Division I Committees Legislative Relief Waivers Policies and Procedures

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**NCAA DIVISION I**
**COMMITTEES LEGISLATIVE RELIEF WAIVERS POLICIES AND PROCEDURES**

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The NCAA Division I (sub)Committees Legislative Relief Waivers Policies and Procedures outline the operations and authority of the NCAA Division I governance and member services staff for review of legislative relief waivers.

**Authority.**

The NCAA Division I Cabinet has authority for legislative relief waivers for NCAA Division I sports that do not have an oversight committee (e.g., sports without NCAA championship such as national collegiate, emerging sports) as well as requests involving the following bylaws: institutional control (NCAA Bylaw 8), ethical conduct (Bylaw 10), financial aid (Bylaw 15), awards and benefits (Bylaw 16), and governance structure and committees (Bylaw 21)..

The sports oversight committees' authority extends to legislative relief waivers of conduct of athletics personnel (Bylaw 11), recruiting (Bylaw 13), playing and practice seasons (Bylaw 17) and processes and procedures related to the administration of the regular seasons and championships (Bylaw 31). The NCAA Division I Academics and Eligibility Committee was developed to establish a single committee responsible for matters governing eligibility. The Academics Eligibility Subcommittee has authority for legislative relief waivers related to academic eligibility (Bylaw 14). The Athletics Eligibility Subcommittee generally has authority for legislative relief waivers related to athletics eligibility (Bylaw 12). Authority includes review of individual waivers as well as the ability to issue blanket waivers.

Legislative relief waivers that impact more than one sport will be reviewed by the cabinet and may receive feedback from the applicable committees that will be impacted by the legislative relief waiver decision. In situations in which committees provide differing feedback on waiver decisions, the cabinet may request each committee review impacted legislation and provide legislative recommendations that would respond to the positions of a specific committee.

**Duties and Responsibilities.**

The cabinet/(sub)committee with authority specified above shall review appeals of waiver requests submitted to NCAA staff for relief from the application of the legislation. In reaching its decision, the committee shall review the complete record to determine whether there is sufficient basis to grant relief from the application of the legislation. The cabinet/(sub)committee maintain authority to issue blanket legislative relief. The chair may act on behalf of the full cabinet/(sub)committee.

On request of the staff or the applicable committee, a waiver may be elevated directly to the cabinet/(sub)committee without a staff decision for a final decision.

**Use of Subcommittees.**

The cabinet may delegate authority to review appeals of waiver requests submitted to NCAA staff for relief to the cabinet subcommittee. With approval by the cabinet, a sport oversight committee may assign its legislative relief waiver authority to a subcommittee.

**Staff Authority and Purpose.**

The NCAA governance and member services staff have authority to render decisions on legislative relief waivers. In reaching a decision, staff 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.

## LEGISLATIVE RELIEF WAIVER PROCEDURES

Only a member institution or conference may apply for legislative relief. Waivers must be submitted through the Requests/Self-Reports Online system (RSRO). All information pursuant to the waiver must be uploaded to the RSRO system.

**Waiver Submission Procedures.**

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

2. Waiver submissions for individual student-athletes or prospective student-athletes are required to include a 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.

3. The case will be considered complete when all required information is uploaded in RSRO (either by the applicant institution or by the staff).

4. Once the staff has posted its decision in RSRO to approve or deny the request, the institution or conference will receive a notice from RSRO stating a decision has been reached and will be instructed to log into RSRO for further information.

5. Once an institution or conference has received notice of the staff's decision in RSRO, the institution has 30 calendar days to accept or appeal the decision in RSRO. Exceptions to this policy may be granted by the cabinet and/or (sub)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.

    a. If the decision is accepted prior to 30 calendar days, the institution waives its right to appeal the decision.

    b. A request for an appeal may be submitted by use of the withdraw/appeal/reconsideration tab in RSRO within 30 calendar days from the time the decision is populated and released.

    c. If the decision has not been accepted, appealed to the committee or a reconsideration request after 30 calendar days, the case is automatically closed, and an appeal may not be requested in RSRO.

6. 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 the student-athlete or institutional personnel at the time of the previous decision. The institution must provide a letter outlining the specifics of the new information and must also explain the reason(s) the information was not originally available with submission of the initial request. Any information that is not germane to the original assertions or repetitive information that was originally available to the student-athlete, institution, conference or NCAA committee (or any of its subcommittees) may not be submitted for reconsideration. If the reconsideration standard is met, the staff will reopen the case in RSRO and issue a decision based on the new information.

    a. Staff Reconsideration: If the staff determines that the new information standard is not met, then the request for reconsideration shall be denied.

    b. Appealing Staff's Decision on the Reconsideration: If the request for reconsideration is denied by the staff, the institution may appeal the staff's decision to the cabinet/(sub)committee chair. If the chair determines the reconsideration standard is met, the staff will reopen the case. If the chair determines that the new information standard is not met, then the request for reconsideration shall be denied.

7. An institution or conference may request an appeal of the staff's decision to the cabinet/(sub)committee. In its request for an appeal, the athletics director, senior compliance administrator, senior woman administrator, or faculty athletics representative (for waiver submitted by a conference office, the commissioner) must provide a letter in support of the appeal. The letter should consider one of the following:

    a. The legislative relief staff's decision goes against the intent of the legislation or the legislative relief waiver guidelines or directives; or

    b. The extraordinary circumstances presented in the legislative relief request were not considered in the adoption of the legislation or the development of guidelines or directives.

8. If the staff's initial decision is appealed, the case will be submitted to members of the cabinet/(sub)committee. At the discretion of the chair, the case may be reviewed at a future meeting.

9. In reaching a decision, the cabinet/(sub)committee may 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.

10. All committee materials as well as the appeal proceedings are confidential. Supplements for the cabinet/(sub)committee's consideration of a legislative relief waiver appeal must be posted using Boardvantage.

11. Quorum and voting on interpretive matters shall be subject to applicable Division I governance policies and procedures, including weighted voting. However, student-athletes may not vote on eligibility impacting legislative relief waivers.

12. The cabinet/(sub)committee may uphold, modify, or overturn the staff's decision. The decision by the cabinet/(sub)committee is considered final with no other appeal opportunity. If a staff decision has been deferred to the cabinet/(sub)committee, the decision is final with no other appeal opportunity.

13. Consideration of a legislative relief waiver should appear in the committee meeting report; however, no identifying information should appear in public facing material.

**Review Guidelines.**

1. Requests for Additional Information. The request shall set the background of the involved situation and the reason(s) the institution or conference believes relief from the application of the legislation is warranted. Any information the institution or conference believes is relevant to the case must be included in the original submission of material. A decision will be made based on the information in the case submission. The staff or cabinet/(sub)committee may request additional information or documentation as necessary.

2. Case Prioritization and Decision Timelines. The institution or conference will receive a decision through RSRO to its waiver submission to the national office. Waiver submissions will be prioritized based on the date of the next championship segment contest, the order in which the submission was received and the timing of when the waiver was determined necessary.

3. Institutional Policies. A waiver is unavailable in situations where an applicant institution requests legislative relief of NCAA Division I Bylaws due to its own institutional policies that necessitate a legislative relief waiver. The staff and cabinet/(sub)committee will not waive circumstances in which the necessity for legislative relief is directly tied to institutional policies and procedures. If an institution requests legislative relief of NCAA legislation due to its own institutional policies, the institution must use institutional processes to address institutional policies that impact the student-athlete or institution instead of seeking legislative relief from NCAA legislation.

4. Urgent Requests and Phone Waivers. For urgent requests involving unforeseen circumstances impacting a prospective or current student-athlete's health and safety (e.g., death, severe injury or illness, catastrophic events), the staff has authority to provide relief of the legislation through the phone waiver process. In such circumstances, an institution will be required to submit a formal waiver submission via RSRO to the staff within 10

business days of receiving the waiver decision.

5. Requests to Waive Violations. An institution or conference may not request retroactive legislative relief of actions, events or situations in which a violation occurred.

6. Waivers of Litigation. The staff or cabinet/(sub)committee may not waive *House* settlement terms or any other outcome of litigation. NCAA staff will cancel these requests and direct schools and conferences to their legal counsel or the College Sports Commission.

7. Assertions of Conduct at Another Institution: 10-Day Process. If an applicant institution or conference includes statements or assertions regarding another member institution's or conference's conduct or actions, the applicant institution 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 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 and provide a copy of the response to the applicant. The response may be included in the application materials for review. 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).

   If the applicant institution or conference elects not to provide statements or assertions regarding another member institution or conference's conduct oractions to the involved member institutions or conferences, those statements or assertions will not be considered in the decision by the staff or committee and must be removed from the waiver submission.

8. Consultation with NCAA Sports Science Institute and Committee on Safeguards and Medical Aspects of Sport. If a waiver request involves medical documentation, the information may be shared with the Sports Science Institute and/or Committee on Safeguards and Medical Aspects of Sports. SSI staff/CSMAS may review the documentation and provide an analysis, which will be included as part of the waiver request and considered by the staff our cabinet/(sub)committee when reviewing the request.

9. Consultation with Education-Impacting Disability Expert. 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 may review the documentation and provide an analysis, which may be included as part of the legislative relief waiver request and considered by staff and the cabinet/(sub)committee when reviewing the request.

10. Publicly Available Information related to Relief Request. The staff and cabinet/(sub)committee may research the Internet for applicable resources, articles or information

that may pertain to the individuals or circumstances associated with the waiver request. Any information may also be included in the waiver submission. Further, staff may request:

a. Any available information on the student-athlete or prospective student-athlete be provided by the NCAA enforcement staff; and

b. Information from applicant institution regarding any third-party involvement (e.g., attorney, advisor, former coach) in decision(s). This request may include follow-up on information received from the enforcement staff.

11. Involvement with NCAA enforcement staff. The NCAA governance and member services 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 that the legislative relief waiver contains information that is either contradictory to information obtained by the enforcement staff or appears incomplete, the NCAA governance and member services staff may follow up with the institution.

a. For cases in which the enforcement staff determines the legislative relief waiver request appears incomplete and if the institution or conference agrees that the waiver request needs to be further developed, the enforcement and/or NCAA governance and member services staff may assist with the development of the issues. However, if the institution or conference determines that the waiver request is complete, then the NCAA governance and member services staff will decide based on the institution's report. If the NCAA governance and member services staff's concerns are later substantiated, then the institution or conference could be subject to the enforcement process, and the waiver decision could be voided.

b. For cases in which the enforcement staff has information that is contradictory to the information submitted by the institution or conference, the legislative relief process will be suspended until the institution or conference and enforcement staff agree to the set of facts associated with the request. At no point will a legislative relief waiver request move forward if the enforcement staff has information which contradicts the information being submitted by an institution or conference in its waiver request.

12. Institutional Error. 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, when the applicant institution benefits from the result of the circumstances (request is approved), the director of athletics, senior compliance administrator and primary institutional contact listed in RSRO will be notified by letter from the NCAA governance and member services staff detailing the chronology of the institution's/individual's actions. The institution's president/chancellor may also be notified.

13. Use of Third Parties. Institutions and conferences are permitted to engage the assistance of a third party (e.g., outside legal counsel, consultant who is not a full-time employee of the institution) in preparing a legislative relief waiver request or in preparing to appeal a staff decision. However, the staff may not discuss a waiver request with a third party representing the institution or conference unless directed to by the institution or conference (e.g., chancellor or president, director of athletics, commissioner) in writing. Further, the staff will generally communicate all requests for additional documentation, decisions and any other issues related to the waiver request in RSRO with the institutional or conference employee designated as the waiver contact unless otherwise directed in writing by the institution or conference.

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***Ex Parte* Communications.**

Members of the cabinet/(sub)committee shall not discuss a pending waiver request or a pending appeal with institutional representatives, the prospective or enrolled student-athlete, or their legal counsel. Prior to, or after an appeal or appeal teleconference/videoconference, all communication regarding a legislative relief case should be directed to the staff. Institutions or other interested parties shall not have contact with committee members regarding the appeal. Such contact may jeopardize the integrity ofthe process and decision. All *ex parte* communication between applicant representatives and committee members specific to a pending legislative relief request is prohibited.

**NCAA Division I Standard Committee Policies and Procedures**.

Policies and procedures for the following items are in the NCAA Division I Standard Committee Policies and Procedures:

- Duties and Responsibilities of Division I Committees.
- Committee Composition.
- Chair and Vice Chair – Selection, Absences, Vacancies and Duties.
- Agenda Development.
- Meeting Frequency and Attendance.
- Removal of Committee Members.
- Use of Substitutes.
- Meeting Participation by Noncommittee Members.
- Recusal Policy.
- Agenda Development and Materials.
- Parliamentary Rules.
- Voting and Quorum Policy.
- Confidentiality Policy.
- Speaking Agent Policy.
- Defense and Indemnification Policy.
- Conflict of Interest Policy.
- Amending and Publishing Policies and Procedures – General.