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# NCAA Division I Committee for Legislative Relief Policies and Procedures

*Updated June 2023*



## **NCAA Division I Committee for Legislative Relief Policies and Procedures**

The NCAA Division I Committee for Legislative Relief Policies and Procedures outline the operations and authority of the NCAA Division I Committee for Legislative Relief and the reporting substructure.



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

### **NCAA DIVISION I COMMITTEE FOR LEGISLATIVE RELIEF**

The central purpose of the NCAA Division I Committee for Legislative Relief is to review requests to waive the normal application of the legislation while considering the purpose or intent of the legislation, the involvement and the overall well-being of the student-athlete and any competitive or recruiting advantages to determine if relief is appropriate.

#### **Purpose and Authority.**

The 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.

#### **Duties and Responsibilities of the Division I Committee for Legislative Relief.**

The Committee for Legislative Relief shall review appeals of waiver requests submitted to the NCAA legislative relief staff for relief from the application of NCAA legislation to a particular situation in which no other entity has the authority to act. In reaching its decision, the Committee for Legislative Relief shall review the complete record to determine whether there is sufficient basis to grant relief from the application of the legislation. The Committee for Legislative Relief shall establish policies and procedures for reviewing such requests, subject to the review of the NCAA Division I Legislative Committee.

#### **Composition.**

The Committee for Legislative Relief shall consist of seven members, including at least one representative from the conferences listed in NCAA Constitution 4.3.1-(b), at least one representative from the conferences listed in Constitution 4.3.1-(c), at least one representative from the conferences listed in Constitution 4.3.1-(d) and at least one representative from the conferences listed in Constitution 4.3.1-(e). One member of the committee shall be a member of the NCAA Division I Student-Athlete Experience Committee.

One member of the NCAA Division I Student-Athlete Advisory Committee shall serve as a member of the Committee for Legislative Relief in an advisory capacity and may serve up to one year after completion of his or her collegiate athletics eligibility. The student-athlete member shall attend all in-person meetings and participate on teleconferences/videoconferences not associated with an appeal of a legislative relief waiver case.

### **Appointment Process.**

The NCAA Division I Nominating Committee shall solicit nominations and appoint voting and nonvoting members to the Committee for Legislative Relief.

The Student-Athlete Experience Committee shall appoint one member to serve on the Committee for Legislative Relief.

The Student-Athlete Advisory Committee shall appoint one member to serve on the Committee for Legislative Relief.

### **Terms of Office.**

Members of the Committee for Legislative Relief shall be appointed for one four-year term. A former Committee for Legislative Relief member may be appointed to an additional term on the committee after three years have elapsed. An individual who has served two terms on the committee may not serve further on the committee. A term of office shall commence on the first day of September following the member's appointment. Members who serve more than one-half of a term shall be considered to have served a full term.

### **Interim Vacancies on the Division I Committee for Legislative Relief.**

If an interim vacancy occurs on the Committee for Legislative Relief, the NCAA Division I Council and/or the representing body shall have the authority to select a replacement for the unexpired portion of the vacated term pursuant to the appointment process specified in these policies and procedures.

### **Selection of Division I Committee for Legislative Relief Chair.**

The Committee for Legislative Relief chair is selected by the Committee for Legislative Relief and subject to approval by the NCAA Division I Legislative Committee. The selected individual shall serve as chair for the duration of his or her term on the Committee for Legislative Relief.

### **Selection of Division I Committee for Legislative Relief Vice Chair.**

The Committee for Legislative Relief vice chair is selected by the committee and subject to approval by the Division I Legislative Committee.

### **Responsibilities of Division I Committee for Legislative Relief Chair – General.**

The Committee for Legislative Relief Chair shall:

1. Lead teleconferences and meetings of the Committee for Legislative Relief;

2. Welcome and assist in the transition and training of new committee members;
3. Serve on the Committee for Legislative Relief's Administrative Committee;
4. Review requests for appeals beyond the 30-calendar day appeal period;
5. Review appeals of denied reconsideration submissions;
6. Review requests for Legislative Relief appeal teleconferences;
7. Review requests for an immediate Legislative Relief appeal teleconference due to the urgency of the case;
8. Request additional individuals to participate in Legislative Relief appeal teleconference, as needed;
9. Advise staff members 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;
10. Review institutional objections to a committee member participating in the review of a waiver submission; and
11. Speak on behalf of the Committee of Legislative Relief regarding issues within the committee's jurisdiction; and
12. Perform and oversee any other matters as necessary to execute specific committee duties and responsibilities.

**Responsibilities of Division I Committee for Legislative Relief Vice Chair – General.**

The Committee for Legislative Relief vice chair shall:

1. Lead teleconferences/videoconferences and meetings of the Committee for Legislative Relief in the absence of the committee chair;
2. Serve on the Committee for Legislative Relief's Administrative Committee;
3. Review appeals of denied reconsideration submissions in the event that the chair recuses himself or herself;
4. Support the committee chair in executing the duties and responsibilities of the committee; and
5. Perform any other duties or responsibilities as necessary or requested by the Committee for Legislative Relief, Legislative Committee and/or council.

## **Reporting Lines.**

The Committee for Legislative Relief reports to the Legislative Committee. The Legislative Committee serves as the council's primary source of guidance regarding the merits of proposals developed through the Division I shared governance process. Standing Division I committees that report to the Legislative Committee are the NCAA Division I Student-Athlete Reinstatement Committee, the NCAA Division I Interpretations Committee and the Committee for Legislative Relief.

## **ORGANIZATION OF DIVISION I COMMITTEE FOR LEGISLATIVE RELIEF.**

### **Organization.**

In order to provide the desired operational leadership, the Committee for Legislative Relief shall organize and assign responsibilities to a substructure, subject to review by the Legislative Committee.

### **Division I Committee for Legislative Relief Staff.**

#### **Legislative Relief Staff Authority and Purpose.**

The staff has authority to make decisions on behalf of the Committee for Legislative Relief except for submissions involving blanket waivers in certain situations. The staff will make a decision on blanket waivers in the following situations: (a) Blanket waiver requests resulting from newly adopted legislation; and (b) Blanket waiver requests from the 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 for Legislative Relief, a waiver may be elevated directly to the Committee for Legislative Relief without a staff decision.

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. Staff shall strive for consistency in treating issues involving similar circumstances.

All waiver decisions are based on the facts made available to the staff and/or Committee for Legislative Relief at the time a decision is rendered. Staff reserves the right to request that the Committee for Legislative Relief a case under review subsequent to a decision if relevant information related to the waiver may have impacted the staff and/or Committee for Legislative Relief's original decision had the information been made available at the time the decision was issued.

For urgent requests involving unforeseen circumstances (e.g., death, severe injury or illness, catastrophic events), the Committee for Legislative Relief grants the staff authority to provide relief of the legislation via a teleconference/videoconference.



In April 2017, the council granted the 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.

#### **Legislative Relief Staff Recusal.**

A staff 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 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 member to remove himself or herself if a conflict exists.

#### **NCAA Division I Committee for Legislative Relief Administrative Committee.**

##### **Administrative Committee 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.

##### **Administrative Committee Composition.**

The administrative committee consists of the chair and vice chair of the Committee for Legislative Relief.

##### **Administrative Committee Duties.**

The Administrative Committee:

1. Will review an institution's request for a telephonic/videoconference appeal;
2. May review complex or time-sensitive waivers, including blanket waivers and provide staff with an advisory opinion or recommend feedback be requested from another governance committee, advisory group or panel; and,
3. Will work with the council standing committees and other committees within the Division I governance structure regarding potential waivers.

### **Administrative Committee 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.

### **DIVISION I COMMITTEE FOR LEGISLATIVE RELIEF WAIVER PROCEDURES**

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.

Waivers must be submitted through the Requests/Self-Reports Online system. 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.

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 or president, faculty athletics representative, 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 committee (or any of its subcommittees) 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. This signed Buckley Statement is in addition to the standard Buckley Statement that all student-athletes sign during the campus' athletics orientation meeting and is located within RSRO.
3. Transfer waiver requests will not be considered until the student-athlete has established standing at the certifying institution by triggering transfer status consistent with NCAA Division I Bylaw 14.5.2. A student-athlete who has only triggered student-athlete status without triggering transfer, been admitted or signed a financial aid agreement shall not be considered to have established standing at the applicant institution.
4. 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 committee (or any of its subcommittees) believes relief from the application of the legislation is warranted. In addition to the information included in the submission, the institution, conference or NCAA committee (or subcommittee) 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 staff and Committee for Legislative Relief based solely on the submitted documentation from the applicant institution. The Committee for Legislative Relief and staff will review only written documentation. 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 committee (or subcommittee) normally will receive a decision through RSRO to its waiver submission to the national office. In such cases where a decision is needed sooner it is important for the submitting institution, conference or NCAA committee (or subcommittee) to clearly specify 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 staff authority to provide relief of the legislation via a teleconference. In such circumstances, an institution will be required to submit a formal waiver submission via RSRO to the staff within two business weeks of receiving the telephonic 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, 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 staff and the Committee for Legislative Relief 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 staff and the committee when reviewing the request.
5. If a transfer waiver request involves mental health documentation, the request may be shared with an expert or panel of experts in the field (e.g., licensed mental health providers). The expert or panel will review the documentation and provide an analysis of the documentation to be considered by staff and the committee when reviewing the request.
6. For a transfer waiver request that cannot use the one-time transfer exception [Bylaw 14.5.5.2.10-(a)], the 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 previous institution will have 10 business days of receipt of the waiver materials to provide a response. Applicant institution and the 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 NCAA enforcement staff;
- b. For transfer waiver requests, the legislative relief staff or the Committee for Legislative Relief may share the case and its documentation to additional individuals appointed by the council to advise the NCAA Division I Committee for Legislative Relief on transfer waiver requests. Those individuals will review the documentation and provide feedback, which will be included as part of the legislative relief requested and considered by staff and committee when reviewing the request;
- c. 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
- d. 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.

7. Involvement with NCAA enforcement staff. There may be instances where legislative relief waiver cases are connected with NCAA enforcement related matters, or the enforcement staff has information that is relevant and material to a case. In such cases, the legislative relief waiver 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 institution's report contains information that is either contradictory to information obtained by the enforcement staff or appears incomplete, the legislative relief waiver and enforcement staffs may follow up with the institution specific to the concerns related to the facts.
  - a. For cases in which the enforcement staff determines the institution's legislative relief waiver request appears incomplete and if the institution agrees that the waiver request needs to be further developed, the enforcement and/or legislative relief waiver staffs may assist with the development of the issues. However, if the institution determines that the waiver request is complete, then the legislative relief waiver staff will make a decision based on the institution's report. If the legislative relief waiver staff's concerns are later substantiated, then the institution 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, the legislative relief 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 legislative relief waiver request move forward if the enforcement staff has information which contradicts the information being submitted by an institution in its waiver request.
8. 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 legislative relief staff detailing the chronology of the institution's/individual's actions. A member of the legislative relief staff or Committee for Legislative Relief 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 championship segment contest, the order in which the submission was received and the timing of when the waiver was determined to be necessary.

All submissions should be submitted in 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. The legislative relief staff will make a decision on behalf of the Committee for Legislative Relief except for submissions involving blanket waivers in certain situations. The legislative relief 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 council (or one of its standing committees), NCAA Division I Board of Directors or the NCAA Board of Governors. On request of the legislative relief staff or the Committee for Legislative Relief, a waiver may be elevated directly to the committee without a legislative relief staff decision.
3. Once the legislative relief staff has posted its decision on RSRO to approve or deny the request, the institution, conference or NCAA will receive a notice from RSRO stating a decision has been reached and will be instructed to log in to RSRO for further information.
4. Once an institution, conference or NCAA committee (or any of its subcommittees) has received notice of the legislative relief staff's decision by way of RSRO, the institution has 30 calendar days to accept the decision through RSRO. If the decision is accepted prior to 30 calendar days, 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. Exceptions to this policy may be granted by the Committee for Legislative Relief's 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.

### **Reconsideration.**

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. 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, institution, conference or NCAA committee (or any of its subcommittees) may not be submitted for reconsideration. A request for reconsideration can 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. The director or the managing 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 staff will reopen the case on RSRO and issue a decision based on the new information. If the director or managing director determines that the new information standard is not met, then the reconsideration submission shall be denied.

The applicant institution may appeal the director's or managing director's decision to deny the reconsideration submission to the chair of the Committee for Legislative Relief through RSRO. If the chair of the Committee for Legislative Relief determines that the submission should be reconsidered by the Committee for Legislative Relief, then the legislative relief 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. If the chair recuses himself, the vice chair of the Committee for Legislative Relief will review the appeal for a reconsideration.

### **Appealing Staff Decisions to the Division I Committee for Legislative Relief.**

1. The institution will be notified of the waiver decision through RSRO. The institution may then appeal this decision to the Committee for Legislative Relief. In its request for an appeal, the institution is required to provide a rationale statement noting why the legislative relief staff's decision should be modified or overturned by the Committee for Legislative Relief. 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).
2. The Committee for Legislative Relief shall not consider appeals of decisions of an NCAA committee (or any of its subcommittees) with the legislative authority to act.
3. Electronic appeals are posted once per week for Committee for Legislative Relief's review. If the Committee for Legislative Relief has questions that need to be addressed prior to rendering a decision, the committee may request additional information from the institution, conference, or legislative relief staff. If additional information is requested from the committee, the decision may be delayed. At the discretion of the chair, the committee may convene by teleconference or videoconference to review an appeal.
4. An institution, conference or NCAA committee (or any of its subcommittees) may not include new information with an appeal that was not included in the original waiver request other than the appeal rationale statement. Any new information or documentation submitted with an appeal will be considered under the reconsideration policy. If the additional documentation does not satisfy the reconsideration policy, it may not be included with the waiver appeal submitted to the Committee for Legislative Relief.
5. If a staff decision is appealed, the case will be submitted to the members of the Committee for Legislative Relief. The committee members cast a vote by sending an electronic vote to the national office. A simple majority of voting members 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 managing director will cast the tie-breaking vote. All waiver decisions are based on the facts made available to the staff and/or the Committee for Legislative Relief at the time a decision is rendered. Legislative relief staff reserves the right to request that the

Committee for Legislative Relief 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 legislative relief staff's original decision had the information been made available at the time the decision was issued. Staff will request additional information, via RSRO, from the applicant institution and provide a second review of the waiver submission.

6. In reaching a decision, the Committee for Legislative Relief 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 Committee for Legislative Relief shall strive for consistency in treating issues involving similar circumstances.
7. For cases involving subject matter where the Committee for Legislative Relief has authority and an NCAA committee (or any of its subcommittees) has expertise but does not have the authority to provide the requested relief, staff may request a written response or background information from that committee (or subcommittee) to assist staff and the Committee for Legislative Relief in making a well-informed decision. Staff will share all written materials provided by the Committee for Legislative Relief (or any of its subcommittee) to the applicant institution prior to a decision being rendered.
8. Members of the Committee for Legislative Relief shall not discuss a pending request with institutional, conference or NCAA committee (or any of its subcommittee) representatives, the prospective or enrolled student-athlete, or his or her legal council. All committee materials as well as the appeal proceedings are confidential.
9. The Committee for Legislative Relief may uphold, modify or overturn the legislative relief staff's decision. Appeal decisions will be posted in RSRO.
10. The decision by the Committee for Legislative Relief is considered final with no other appeal opportunity.

#### **Requesting and Conducting a Legislative Relief Appeal Teleconference/Videoconference.**

1. In order to request a teleconference/videoconference appeal, the applicant institution, conference, Committee for Legislative Relief (or any of its subcommittees) must submit a written request to the chair of the Committee for Legislative Relief, detailing the reasons for a teleconference/videoconference (e.g., why an appeal teleconference/videoconference is necessary). The chair will review the request, taking into consideration the complexity of the waiver and bylaw cites involved, to determine whether a teleconference/videoconference is appropriate.

The Committee for Legislative Relief requires a minimum of 48 hours to review documentation prior to a teleconference/videoconference appeal. Exceptions to this policy can be made if the director or managing director with Committee for Legislative Relief oversight and the committee chair determine that the urgency of the case warrants



immediate consideration and the Committee for Legislative Relief can thoroughly review the documentation prior to the teleconference/videoconference. For all appeals conducted by teleconference/videoconference, 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/videoconference. Other applicant institution representatives, including the involved prospective student-athlete or enrolled student-athlete, may participate on the call. The applicant institution 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 for Legislative Relief may uphold, modify or overturn the legislative relief staff's decision.

2. Each teleconference/videoconference appeal shall be recorded; however, the Committee for Legislative Relief's deliberations, after the teleconference/videoconference, shall not be recorded. Copies of the recordings shall be maintained by the legislative relief staff for a seven-year period. The chair who hears the appeal has the authority to instruct the legislative relief staff to forward a copy of the recording or a transcript of the proceedings to any other NCAA committee that has a legitimate purpose for requesting access to the proceedings.
3. Guidelines for conducting a Legislative Relief Appeal Teleconference/Videoconference are as follows:
  - a. A quorum for committee review of appeals shall be a simple majority of the Committee for Legislative Relief's 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 legislative relief 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 legislative relief staff's decision be overturned or modified.
  - d. The Committee for Legislative Relief will then have the opportunity to ask questions. Only Committee for Legislative Relief 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 legislative relief staff for reconsideration.
  - f. The Committee for Legislative Relief may request additional information from the institution or the legislative relief staff, if the Committee for Legislative Relief 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. Institutional representatives and other participants on the teleconference/videoconference shall maintain the confidentiality of the information discussed as well as the identity of the participants.
- i. The Committee for Legislative Relief members shall deliberate on the call after the institutional representatives and prospective student-athlete, or enrolled student-athlete have left the call. Once a decision has been reached by a majority vote of the Committee for Legislative Relief, the case manager shall notify the institution of the decision.
- j. The decision by the Committee for Legislative Relief is considered final with no other appeal opportunity. The Committee for Legislative Relief may uphold, modify or overturn the legislative relief staff's decision. Appeal decisions will be posted in RSRO.

#### **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.
- 2. 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.
- 3. The director or managing director, in consultation with the chair, and other Committee for Legislative Relief 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 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 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.

## **DIVISION I COMMITTEE FOR LEGISLATIVE RELIEF OPERATIONS.**

### **Confidentiality Policy.**

Committee for Legislative Relief members may not communicate any information regarding specific legislative relief waivers to anyone other than the legislative relief staff or other committee members. This includes, but is not limited to, communication with institutional staff members or nonstaff representatives regarding a legislative relief waiver appeal. The legislative relief staff may only communicate with the institution's primary or secondary contact (designated via RSRO), or its nonstaff representative.

### ***Ex Parte Communications.***

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

### **Staff or Committee Member Recusal.**

A legislative relief staff or the Committee for Legislative Relief's member shall recuse themselves 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 they may have hereunder and should recuse themselves 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 they may have and should recuse themselves 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.

### **Media Inquiries.**

All inquiries from the media should be forwarded to the national office for response (see speaking agent policy for additional information).

### **Case Archiving.**

The Committee for Legislative Relief 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.

### **Summary of Decisions.**

A summary of the decisions of the legislative relief staff and Committee for Legislative Relief shall be provided to the Legislative Committee on a regular basis. All actions of the Committee for Legislative Relief are final and are not subject to appeal to the Division I Council or any other NCAA body.

### **Amending and Publishing Policies and Procedures – General.**

The Committee for Legislative Relief shall have the authority to adopt or revise the policies and procedures specified herein as needed.

### **Use of Third Parties in Waiver Requests**

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 legislative relief staff may not discuss a waiver request with a third party representing the institution or conference unless directed to by the institution (e.g., chancellor or president, director of athletics) 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 employee designated as the waiver contact unless otherwise directed in writing by the institution.

### **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 those 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)

### **Defense and Indemnification Policy.**

The Association shall defend and indemnify any present or former employee, committee member or agent of the Association who was or is a party or is threatened to be made a party to, or who is

to be subpoenaed to be deposed or to give evidence in any civil, criminal, administrative or investigative action or proceeding, including those brought by the Association, provided the conditions enumerated below are met. For purposes of this policy, "committee" shall include all Association committees, boards, cabinets, councils, subcommittees and panels.

Conditions for Defense and Indemnification.

1. The person requesting defense and indemnification is being named as a party or subpoenaed to be deposed or to give evidence by reason of the fact that the person was or is an employee, committee member or agent of the Association or is or was serving at the request of the Association as a director, officer, employee or agent of another association, corporation, partnership, joint venture, trust or other enterprise.
2. The person is determined to have been acting within the scope of the person's duties to the Association.
3. The person is determined to have been acting in good faith and in a manner the person reasonably believed to be in or not opposed to the best interests of the Association in the performance of the person's duties to the Association. In respect to any alleged criminal action or proceeding, the person must also be determined to have had no reasonable cause to believe the alleged conduct was unlawful.

**Note:** The termination of any action or proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption in regard to these determinations. However, if a person is adjudged to be liable for negligence or misconduct in the performance of the person's duty to the Association, there shall be no indemnification unless and only to the extent that the court in which such action or suit was brought shall determine that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses as the court shall deem proper. The person promptly and timely notifies the Association's general counsel of the actual or threatened service of process, subpoena, notice of deposition or other legal process before incurring attorney fees or other expenses.

4. The person accepts counsel provided or approved by the Association and agrees to accede to the legal strategies approved by the Association's general counsel, including any settlement determinations. In the event that the person wishes to hire other counsel or not accede to the Association's legal strategies, the Association shall not be obligated to defend or indemnify the person, except when it is determined that a conflict of interest exists with the Association such that retaining separate counsel is warranted.
5. The person agrees to repay any expenses, including attorney fees, incurred in bringing or defending a civil or criminal action or proceeding paid by the Association in advance of the final disposition of such action or proceeding if it is ultimately determined that the person is not entitled to be indemnified by the Association as authorized in this policy.

For purposes of this policy, "indemnification" shall consist of payment against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by the person in connection with such action or proceeding.

Determinations as to whether indemnification is proper in the circumstances because the person has met the applicable standards of conduct set forth in this policy shall be made: (1) By the Board of Governors Administrative Subcommittee by a majority vote of a quorum consisting of members who are not parties to such action or proceeding; (2) If such a quorum is not obtainable, or, even if obtainable if a quorum of disinterested Board of Governors members so directs, by independent legal counsel in a written opinion; or (3) By the Association's president if so delegated by the Board of Governors.

The indemnification provided by this policy is not exclusive of any other rights to which those indemnified may be entitled under any bylaw, agreement, vote of members or disinterested Board of Governors members or otherwise, both as to action in the person's official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be an employee, committee member or agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

The Association may purchase and maintain insurance on behalf of any person who is or was an employee, committee member or agent of the Association, or is or was serving at the request of the Association as a director, officer, employee or agent of another association, corporation, partnership, joint venture, trust or other enterprise against any liability asserted against the person and incurred by the person in any such capacity or arising out of the person's status as such, whether or not the Association would have the power to indemnify the person against such liability under the provisions of this policy.

#### **Conflict of Interest Policy.**

The NCAA is a voluntary Association comprised of colleges, universities, conferences and other organizations and 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/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.