



**REPORT OF THE
NCAA DIVISION I COMMITTEE FOR LEGISLATIVE RELIEF
JUNE 7, 2023, VIDEOCONFERENCE**

ACTION ITEMS.

- **Legislative item.**
 - **Residence Requirement Waivers – Student-Athletes Transferring Schools for Reasons of Health – NCAA Division I Bylaw 14.7.2-(a).**
 - (1) Recommendation. That the NCAA Division I Legislative Committee recommend that the NCAA Division I Council adopt noncontroversial legislation to remove (a) from Division I Bylaw 14.7.2 which allows a student-athlete’s previous institution to file a proactive transfer waiver on the student-athlete’s behalf related to reasons of health.
 - (2) Effective date. Immediate.
 - (3) Rationale. In January 2023, the Division I Council finalized the undergraduate four-year transfer waiver guidelines that will be used to evaluate waivers requests submitted for the 2023-24 academic year. The new waiver guidelines are direction from the NCAA Division I Board of Directors to provide a consistent framework for evaluating undergraduate waiver requests based on assertions related to the student-athlete’s physical or mental health or exigent circumstances. NCAA Division I Bylaw 14.7.2-(a) was originally established in 1977 prior to the one-time transfer exception and, at the time, was the only waiver mechanism for the Association to evaluate transfer waiver requests related to reasons of health. This waiver authority requires the student-athlete’s previous institution, as opposed to the institution to which they transfer, to file the transfer waiver on their behalf.

The division’s desired approach to undergraduate transfer waiver requests is codified in the Division I Committee for Legislative Relief Waiver Information Standards, Guidelines and Directives. Any additional authority in Bylaw 14.7.2-(a) is redundant and potentially undermines the ability to evaluate waiver requests consistently. For example, because the previous institution submits the waiver request under Bylaw 14.7.2-(a), certain elements required under the new undergraduate transfer waiver guidelines related to physical injury or mental health are unclear or yet to be determined (e.g., inability to consider a care plan for a request asserting transfer for reasons of mental health, distance to student-athlete’s support system).

Eliminating the waiver authority in Bylaw 14.7.2-(a) does not preclude transfer waivers to be approved for reasons of health, but simply ensures all

requests are evaluated under the same guidelines, standards, and process recommended by the Division I Board of Directors and developed by the Division I Council for the 2023-24 academic year.

The Committee for Legislative Relief recommends this change be considered as noncontroversial legislation as it believes the Council's intended changes to the undergraduate transfer waiver process were clear, and removal of this legislation ensures those standards are applied consistently.

- (4) Estimated budget impact. None.
- (5) Student-athlete impact. Ensures all four-year undergraduate transfer student-athletes who file a waiver to compete at a new Division I institution during the 2023-24 academic year are evaluated under the same standards and process.

INFORMATIONAL ITEMS.

1. **Update on the NCAA Division I Council Undergraduate Transfer Waiver Advisory Panel.** The Committee for Legislative Relief received an update on the identification of Council and standing committee members who will serve in an advisory capacity on undergraduate transfer waivers. The use of an advisory panel was approved during the Council's April 12-13, 2023, meeting because of the significant changes to the four-year undergraduate transfer waiver guidelines and supports alignment with the intent of the updated guidelines.
2. **Update of the NCAA Division I Committee for Legislative Relief Policies and Procedures.** The Committee for Legislative Relief approved changes to its policies and procedures. Specifically, the following updates were approved:
 - a. Remove the May 2020 Council action that granted staff authority to exercise discretion and sensitivity in evaluating cases involving a student-athlete transferring to a Division I institution due to the COVID-19 pandemic;
 - b. Codified the ability for the administrative committee to recommend feedback from other groups (governance committee, advisory group, panel);
 - c. Specified that additional information or documentation beyond an appeal statement may not be included during the waiver appeals process, but rather would be reviewed as part of the reconsideration policy; and

- d. Clarified the standing policy for submission of a transfer waiver confirming that a waiver may not be submitted unless the student-athlete has triggered transfer status consistent with Bylaw 14.5.2. Specifically, a student-athlete who has only triggered student-athlete status without triggering transfer, having been admitted or signing a financial aid agreement shall not be considered to have established standing at the applicant institution.
3. **Midyear Replacement of a Student-Athlete Who Graduated Prior to the Previous Academic Year – Blanket Waiver.** The Committee for Legislative Relief reviewed and supported an extension of the 2022-23 blanket waiver for midyear replacement student-athletes who graduated prior to the previous academic year. This blanket waiver applies through the 2023-24 academic year or until permanent legislation is adopted.
 4. **NCAA governance structure update.** The Committee for Legislative Relief was provided confirmation that it will remain in place through January 2024 and additional updates will be provided as more information becomes available.

Committee Chair: Stephen LaPorta, James Madison University
Staff Liaisons: Chris Johnson, Academic and Membership Affairs
Khadian Kelly, Academic and Membership Affairs

NCAA Division I Committee for Legislative Relief June 7, 2023, Videoconference
Attendees:
Blake Barlow, University of Texas at Austin.
Stephen LaPorta, James Madison University.
Kristina Minor, Northwestern University.
Katy McNay, Davidson College.
Katie Willett, Big East Conference.
Absentees:
Jason Cable, Alabama State University.
Kristy Lee Bannon, Temple University.
Other Attendees:
None.
Other NCAA Staff Members in Attendance:
Emily Capehart, Brandy Hataway, Chris Johnson, Travis Johnston, Khadian Kelly and Karen Metzger.