

Division: I

Proposal Number: R-2020-6

Title: RESOLUTION: COMPREHENSIVE TRANSFER ELIGIBILITY LEGISLATION

Status: Division Admin Review

Category: Resolution

Resolution:

Whereas, student-athletes are not unlike their fellow college student population in that at least one-third will transfer schools at some point during their college experience.

Whereas, the existing four-year transfer waiver process is an unsustainable method to achieve lasting stability, consistency and transparency within the Division I transfer environment.

Whereas, transfer legislation should prioritize equitable access to higher education for all transfer student-athletes and promote a sustainable transfer environment.

Whereas, the Division I model should continue to support institutional efforts to cultivate a sustainable overall experience for their student-athletes and teams, the Council acknowledges that Division I student-athletes, like the broader student body, will continue to have reasons to transfer, and the approach used to assess student-athlete transfer eligibility must prioritize and promote uniformity, transparency and integrity.

Whereas, the Division I transfer environment should facilitate informed decision-making, balance student-athlete well-being with programmatic interests, encourage healthy communication between student-athletes and coaches, and minimize the impact of third-party disruption.

Whereas, relying on the legislative relief process to reconcile a growing number of transfer waiver requests is an inefficient use of the division's waiver process, which was never designed to accommodate sustained requests for relief from the relevant rule without eventually changing the rule.

Whereas, data does not indicate that serving a year in residence following transfer is academically necessary for all student-athletes, many factors play a role in whether a student-athlete graduates after transfer (e.g., overall academic record and credits accepted upon transfer).

Whereas, exhausting athletics eligibility prior to graduation, transferring multiple times and transferring after the third year of enrollment all tend to negatively impact a student-athlete's likelihood of graduating.

Whereas, the existing legislative one-time transfer exception generally works for student-athletes who participate in the sports that currently have access.

Whereas, existing transfer rules impact populations of student-athletes differently based on the demographics of sports without access to the current one-time transfer legislative exception.

Whereas, the lack of a uniform approach to transfer eligibility can undermine student-athletes' ability to make well-informed decisions about initiating the transfer process. While some sports may have unique characteristics, deviation from a uniform approach can be permitted via legislation only for compelling reasons.

Now, Therefore, Be It Resolved, that the Council commits to working directly with key stakeholders, including but not limited to conferences, institutions, the NCAA Division I Student-Athlete Advisory Committee, the NCAA Division I Committee on Academics and standing committees to develop a comprehensive legislative and policy package regarding transfer for adoption no later than January 2021 and effective no later than eligibility to compete during the 2021-22 academic year.

Be It Further Resolved, that such a package shall, at a minimum, provide for:

- An equitable and uniform legislative approach for student-athletes in all sports to establish eligibility for competition following their first transfer to a new Division I institution.
- A legislative approach that demonstrates a commitment to student-athlete well-being that better reflects transfer opportunities available to college students who are not student-athletes.
- Appropriate provisions that mitigate institutional challenges related to a more flexible transfer environment, including the consideration of, but not limited to the following:

Determination of whether there should be time period(s) by which a student-athlete's transfer intent must be indicated, and subsequent transfer occur in order to qualify for immediate eligibility;

Determination of the appropriate extent to which academic elements (e.g., NCAA Division I Academic Progress Rate) should be included in the legislation;

Accountability measures imposed on institutions accepting transfer student-athletes;

Enhancement and promotion of local strategies to equip student-athletes with making informed transfer decisions;

Determination of whether a transfer exception should be available only once throughout the duration of the student-athlete's collegiate experience, either as an undergraduate student or after graduating;

Identification of additional strategies that further disincentivize impermissible tampering behavior by coaches and third parties with the intent of protecting the student-athlete experience and facilitating program stability; and

Determination of whether potential changes to transfer trends further necessitate adjustments to sport-specific financial aid rules, which are already impacted by increased medical exemptions, professional departures, early graduation, etc., specifically initial counters and/or annual signing limits in the sport of football (e.g., hard cap).

Source: Division I Council (Transfer Waiver Working Group)

Topical Area: Athletics Eligibility
