



**NCAA DIVISION II COMMITTEE FOR LEGISLATIVE RELIEF  
POLICIES AND PROCEDURES  
(Updated September 2020)**

The NCAA Division II Committee for Legislative Relief was created in 1993 as a response to the membership's desire for more rules flexibility. This group was originally established as a subcommittee of the NCAA Division II Management Council to review the application of NCAA legislation in cases where the circumstances are extraordinary in nature (NCAA Division II Bylaw 5.4.1.7). In January 2008, the Management Council and NCAA Division II Presidents Council agreed to establish a free-standing committee to fulfill this role. The equivalent waiver committees in Divisions I and III are the NCAA Division I Committee for Legislative Relief and the NCAA Division III Management Council Subcommittee for Legislative Relief.

**The philosophy of the Committee for Legislative Relief is to review requests to waive the normal application of the legislation while considering the following to determine if relief is appropriate:**

1. The purpose or intent of the legislation;
2. The involvement and the overall well-being of the student-athlete; and
3. A competitive or recruiting advantage.

NCAA member institutions, conferences, committees and subcommittees may apply for a Committee for Legislative Relief waiver when no other committee or subcommittee has the authority to waive specific NCAA legislation for extenuating/extraordinary circumstances. Waivers must be submitted through the Requests/Self-Reports Online. All information pursuant to the waiver must be uploaded to RSRO.

**Waiver Submission Procedures.**

1. Waiver requests shall be submitted to the NCAA national office via RSRO.
2. 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, president or faculty athletics representative; and 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 (sub)committee shall be signed by the chair or a member of that (sub)committee. Stamp signatures will not be accepted.
3. Waiver submissions for individual student-athletes or prospective student-athletes are required to include a signed Buckley Statement.

4. The case will be considered complete when all required information is uploaded into RSRO (either by the applicant institution or by NCAA academic and membership affairs staff). Case processing timelines begin once required information is uploaded to RSRO. Requests involving transfers will not be processed until the involved student-athlete has signed a written commitment (e.g., written offer of admission and/or financial aid or the institution has received the student-athlete's financial deposit in response to its offer of admission) or has triggered full-time enrollment at the applicant institution.
  
5. It is the applicant institution's, conference's or NCAA (sub)committee's responsibility to include all relevant documentation and Committee for Legislative Relief case precedent for each waiver request to the committee. All relevant documentation must be included with the original waiver materials (e.g., medical documentation, educational transcripts, game schedules), since a decision will be made by the staff and committee based solely on the submitted documentation from the applicant institution. The committee and staff will review only written documentation. Any documentation provided in a foreign language must be translated to English (or in the case of financial records, converted to U.S. dollars) prior to submission, and both the original language and translated documents must be included. NCAA committee members are prohibited from conducting independent research (e.g., online searches) in an effort to gather more facts or information regarding a pending request. 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.

In cases where the agreed-on set of facts for a prospective student-athlete who has been certified with conditions under the organized competition or training prior to collegiate enrollment legislation change, the following procedures should be followed:

- a. When the facts of a waiver involving Bylaw 14.2.4.2 (organized competition or training prior to initial collegiate enrollment) change, and the new information could result in the amateurism certification of a prospective student-athlete changing (e.g., prospective student-athlete no longer subject to the organized competition legislation or prospective student-athlete is subject to fewer or additional seasons of competition under the rule), then the prospective student-athlete must be placed back under review and the amateurism certification staff at the NCAA Eligibility Center is re-engaged in the process. The institution and prospective student-athlete must also submit an explanation as to why the facts changed.
  
- b. When the new information will not change the amateur certification of the prospective student-athlete, but only changes the facts related to relief via the waiver process, the staff will proceed with the waiver by working with applicant institution and the prospective student-athlete to come to a new set of agreed facts.

The institution and prospective student-athlete must also submit an explanation as to why the facts changed.

For cases involving subject matter where the committee has authority and an NCAA (sub)committee has expertise but does not have the authority to provide the requested relief, the staff may request a written response or background information from that (sub)committee in order to assist the staff and committee in making a well-informed decision. The staff will share all written materials provided by the NCAA subcommittee or committee to the applicant prior to a decision being rendered. Waiver requests will be prioritized based on the date of the next contest or event, the order in which the case was received and the timing of when the waiver was determined to be necessary.

Once all relevant information is submitted, the staff generally requires a minimum of 48 hours to complete a thorough review of the information presented. Thus, if a waiver submission is not complete until less than 48 hours prior to the competition or event, the staff may not be able to render a decision prior to the contest or the event. All requests should be submitted to the staff 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.

6. 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 granted) as a result of the circumstances, then the chancellor or president of the applicant institution will be notified by letter from the staff detailing the chronology of the institution's or individual's actions. In addition, a copy of the written statement provided to the NCAA staff from the institutional staff member(s) responsible for the misadvisement must accompany the staff's notification to the chancellor or president. A member of the staff or committee may call an institution's chancellor or president to provide notice regarding the institution's plans to prevent future instances of misinformation or 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.
7. Reconsideration requests may be submitted to the committee if the request contains new information that was not available to either the student-athlete or the applicant. The reconsideration request shall be submitted by the appropriate individuals as designated in the application by using the withdraw/appeal/reconsideration tab on RSRO within 30-calendar days from the time the decision is populated and released to appeal a decision. An explanation must be included to clarify the reason(s) the new information was not originally available. Any additional or repetitive information that was originally available to the student-athlete, institution, conference or NCAA (sub)committee may not be included for reconsideration. The primary liaisons to the Committee for Legislative Relief shall determine if the new information standard is met for all reconsideration requests. If the reconsideration standard is met, the staff will reopen the case and make a decision based

on the new set of facts. If the primary staff liaison determines that the new information standard is not met, then the reconsideration request shall be denied.

8. The applicant may appeal the primary staff liaison's decision to deny the reconsideration request to the chair of the committee. If the chair determines that the case should be reconsidered by the committee, then the staff will forward the case to all members. If the chair affirms the primary staff liaison's decision to deny the request for reconsideration, the chair's decision is final. In the event that the chair recuses himself or herself, the senior member of the committee will review the appeal decision.

### **Review Procedures.**

1. The institution, conference or NCAA (sub)committee normally will receive a decision through RSRO to its waiver submission within three weeks of receipt of the appropriate materials at the national office. In such cases where a decision is needed sooner, it is important for the submitting institution, conference or NCAA (sub)committee to specify clearly the reason(s) the issue may be time sensitive. Waivers involving transfers or organized competition before initial collegiate enrollment are not considered urgent requests. For urgent requests involving unforeseen circumstances (e.g., death, severe injury or illness, catastrophic events), the Committee for Legislative Relief granted the staff authority to provide relief of the legislation via the telephone. In such circumstances, an institution will be required to submit a formal waiver submission via RSRO to the NCAA staff within two business weeks of receiving the telephone 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.
2. Once the national office receives a waiver submission, the staff will review the waiver request to ensure it has been submitted properly. 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 and compliance 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. If a member institution or conference initially denies use of the one-time transfer exception or opposes the waiver request, the member institution or conference must readdress its position within the written 10-day response. The response will be included in the application materials for review. If the application 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).

- a. If a waiver request involves medical documentation that does not clearly demonstrate that the requirements of a given waiver are met (e.g., noncontemporaneous, does not state the student-athlete or family member is debilitated), 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 legislative relief waiver staff and the Committee for Legislative Relief when reviewing the request.
  - b. 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 the legislative relief staff and the Committee for Legislative Relief when reviewing the request.
  - c. If a legislative relief request involves a 4-4 Division III transfer student-athlete that presents an academic deficiency, staff shall process the waiver in the same manner requests for relief of the transfer requirement waivers are processed.
3. The staff will make a decision on behalf of the committee (except for requests involving a blanket waiver). Once an institution, conference or NCAA (sub)committee has received written or verbal notice of the staff's decision, it may appeal this decision to the committee. An applicant's appeal shall be submitted to the associate director within 30-calendar days from the date of the staff's decision in RSRO. An appeal letter submitted after the 30-day appeal period will not be processed. Exceptions to this policy may be granted by the chair when an institution is able to demonstrate in writing that exceptional circumstances caused the institution's appeal to be submitted beyond the 30-day appeal period. The committee's consideration of an appeal is the committee's first review of the institution's request, and its decision is final, binding and shall not be subject to review by the Management Council or any other authority.
4. The committee consists of five members who are from Division II institutions and conference offices, including one member of the Management Council. The committee shall serve as an appellate body for all staff decisions that the membership wishes to appeal. If a staff decision is appealed, the case will be submitted to the committee members. Committee members review case appeals each week via teleconference. Any member who is unable to participate in the teleconference may cast a vote by sending an email vote to the national office. A quorum of three is necessary. A simple majority is necessary for a decision. In situations where there is a tie vote, the initial decision of the staff shall be considered to be upheld. Significant and/or controversial appealed cases with little or no precedent can be referred by the committee to the full Management Council for

- consideration. To the extent possible, reconsideration requests should involve the original committee members who voted on the case.
5. The committee may request that the applicant institution participate on the appeals teleconference, if necessary. If such a request is made, the staff should contact the committee member who is requesting the applicant institution's participation to determine his or her rationale for the request and forward this information to the committee chair. If the institution participates on a teleconference, it shall be represented by its chancellor or president, faculty athletics representative or director of athletics. Other institutional representatives, including an involved student-athlete, may participate on the call. The institution and involved individuals may have legal counsel participate on the call. Also, a representative of an involved committee, if applicable, will be invited to participate on the call.
  6. Members of the committee shall not discuss a pending request with the NCAA staff, institutional representatives, the prospective or enrolled student-athlete or his or her legal counsel without all parties having the opportunity to participate. The staff may contact the committee chair to arrange a teleconference or to discuss procedural matters relevant to processing the institution's request. Further, the committee members may contact the staff to request that additional information about the case be obtained.
  7. A staff or committee member shall recuse himself or herself from participation in the review of an institution's request in which he or she is connected personally with an institution or conference. A staff or committee member with a personal relationship, an institutional affiliation or a conference affiliation 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 request. It is the responsibility of the staff or committee member to remove himself or herself if a conflict exists. Institutional objections to a committee member participating in the review of a request 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 ex parte communication between applicant representatives and committee members about a pending case is prohibited (see conflict of interest statement below for additional information).
  8. In reaching a decision, the staff and committee 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 staff and committee shall strive for consistency in treating issues involving similar circumstances.
  9. The committee 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 NCAA staff after three years. The archived cases serve only as a historical resource to the membership and staff.

10. The staff and committee shall not consider appeals of decisions of an NCAA (sub)committee with the legislative authority to act.
11. After the staff or committee has made its decision to approve or deny the request, the decision shall be communicated to the involved institution, conference or NCAA (sub)committee by the NCAA staff through RSRO. A summary of the decisions of the committee and staff shall be provided to the Management Council on a regular basis. All actions of the committee are final and are not subject to appeal to the Management Council or any other NCAA body.
12. All inquiries from the media should be forwarded to the national office for response (see speaking agent policy for additional information).

#### **Conflict of Interest Statement.**

The NCAA is a voluntary Association comprised of colleges, universities, conferences and other organizations 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 or she may have hereunder and should recuse himself or 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. *(August 2008 NCAA Executive Committee minutes)*

### **Speaking Agent Policy.**

The president of the Association and the chair of the NCAA Board of Governors 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 Board of Governors 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 that 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 Board of Governors 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)*