



**REPORT OF THE  
NCAA DIVISION II COMMITTEE FOR LEGISLATIVE RELIEF  
SEPTEMBER 28, 2023, VIDEOCONFERENCE**

**ACTION ITEMS.**

**1. Legislative items.**

- None.

**2. Nonlegislative items.**

- **NCAA Division II Committee for Legislative Relief information standards, guidelines and directives.**
  - (1) Recommendation. Approve the updated Committee for Legislative Relief information standards, guidelines and directives, as specified. [See Attachment]
  - (2) Effective date. Immediate.
  - (3) Rationale. The Committee for Legislative Relief's information standards, guidelines and directives do not account for recent trends in legislative relief waivers and represent guidance that has not been substantially amended in several years. An update of the committee's information standards, guidelines and directives is necessary to best address the needs of student-athletes involved in legislative relief waivers.

Specifically, when considering legislative relief waivers involving NCAA Division II Bylaw 14.2.4.2 (participation in organized competition before initial collegiate enrollment), amendments were made to reflect recent legislative changes tied to amateurism certification reviews performed by the NCAA Eligibility Center and to acknowledge the addition of the new sport of stunt.

Further, during its review of areas related to legislative relief waivers involving Bylaw 14.5.5 (four-year college transfers), the committee determined that amendments were warranted when considering the unique circumstances surrounding the necessity for four-year college student-athletes to transfer. During its review, the committee determined that it would be appropriate to establish a guideline to address instances when there is an assertion that a student-athlete experienced personal hardship which necessitated their transfer as this would create an expanded lens in the waiver review process and eliminate overly prescriptive and cumbersome documentation requirements. The committee noted that areas of personal hardship to be considered include, but are not limited to, injury/illness or financial hardship. In addition, the committee established

a directive which would allow staff to approve select cases where a student-athlete asserts that their necessity to transfer is tied to academic reasons, noting that this change would enhance the Association's mission of highlighting the importance of academics. Finally, the committee established directives for staff to address instances where a Division II student-athlete transfers without providing written notification of transfer by the June 15 deadline and their previous institution does not support the waiver request. These additions will help provide guidance during reviews of specific cases where a student-athlete may not meet a legislated four-year college transfer exception, but the institution is able to provide sufficient mitigation to show the necessity of the student-athlete's transfer.

- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

#### **INFORMATIONAL ITEMS.**

1. **Review of Committee for Legislative Relief cases decided from February 1 through July 31, 2023, by the NCAA staff and committee.** The committee reviewed cases decided by staff and the committee from February 1 through July 31, 2023. A total of 94 cases were submitted in Division II with 69 of those cases decided by staff during this time period. Of the 69 cases decided, staff approved 46 cases, 10 of which were approved with conditions. There were two cases approved based on the totality of the circumstances, with the committee affirming staff's position in both cases. Additionally, staff denied 16 cases, four of which were appealed to the committee. The committee affirmed the staff decision in three cases and overturned staff's decision in one case.
2. **Review of Committee for Legislative Relief information standards, guidelines and directives.** During its March 2023 videoconference, the committee discussed and provided feedback on amendments to its information standards, guidelines and directives. The committee reviewed the changes and recommended a nonlegislative change to its information standards, guidelines and directives, specifically: (1) Amend the guidance related to legislative relief waivers involving Bylaw 14.2.4.2 to encompass recent legislative changes tied to amateurism certification review and to reflect the addition of the sport of stunt; (2) Eliminate the previous information standards, guidelines and directives tied to transfers asserting misinformation, injury/illness and financial hardship; (3) Establish an information standard, guideline and directive to address assertions related to personal hardship experienced by the student-athlete which necessitated their transfer; (4) Amend the directive related to academic reasons for transfer to provide guidance to staff on when such assertions may be considered when approving a legislative relief waiver request; and (5) Incorporate previously provided guidance from the committee to address transfers involving a Division II student-athlete that does not provide written notification of transfer by the June 15 deadline and where a student-athlete transfers, but their previous institution does not support the waiver request. [See Nonlegislative Action Item.]

3. **Review of 2024 NCAA Convention proposals.** Staff provided a review of the five proposals that will be voted on by the Division II membership at the 2024 Convention. None of the proposals are expected to impact legislative relief waiver volume.
4. **Discussion regarding whether a member of the Division II Student-Athlete Advisory Committee (SAAC) should be added to the composition of the Committee for Legislative Relief.** The committee discussed and provided feedback on a referral from the Division II SAAC. Specifically, the committee was asked to provide feedback on whether there is a need to update the committee's composition to include a Division II National SAAC member since the committee does not currently include a student-athlete representative. The committee agreed that the addition of the student-athlete perspective during its reviews would be beneficial; however, the committee raised concerns regarding the time commitment for participation in the committee's discussions and potential issues related to confidentiality given the sensitive nature of the committee's work.
5. **Review of Committee for Legislative Relief policies and procedures.** The committee reviewed and approved an updated version of its policies and procedures.
6. **Review of the Committee for Legislative Relief March 23, 2023, videoconference and June 30, 2023, electronic voting reports.** The committee reviewed and approved its March 23, 2023, videoconference and June 30, 2023, electronic voting reports, as written.
7. **Review of the Division II priorities.** Staff provided an overview of the Division II priorities for the 2023-24 academic year.
8. **Update on the Division II 50th Anniversary celebration.** Staff provided an update regarding the plan to celebrate the 50th anniversary of Division II for the 2023-24 academic year.
9. **Review of the summer 2023 NCAA Division II Management Council and Presidents Council summary of actions.** The committee reviewed the summary of actions from the 2023 summer meetings of the Management Council and Presidents Council.
10. **Review of the Committee for Legislative Relief roster.** The committee reviewed the updated roster.
11. **Other business.** The committee discussed and agreed to transition its weekly scheduled appeal calls from teleconferences to videoconferences, effective immediately.
12. **Future scheduled videoconferences.**
  - a. March 2024; videoconference, to be determined.
  - b. September/October 2024; videoconference, to be determined.

*Committee Chair:* Marcie Haduca Covell, California State University, East Bay  
*Staff Liaison(s):* Rachel Denton, Academic and Membership Affairs  
Jordan Lysiak, Academic and Membership Affairs

NCAA Division II Committee for Legislative Relief September 28, 2023, Videoconference	
<b>Attendees:</b>	
Ellen Fagerstrom, Minnesota State University Moorhead.	
Rob Fiedler, University of Tampa.	
Marlon Furlongue, St. Mary's University (Texas).	
Marcie Haduca Covell, California State University, East Bay.	
Amy Henkelman, Dominican University of California.	
<b>Absentees:</b>	
Carrie Michaels, Shippensburg University of Pennsylvania (Management Council chair).	
<b>Guests in Attendance:</b>	
None.	
<b>NCAA Staff Liaisons in Attendance:</b>	
Rachel Denton and Jordan Lysiak.	
<b>Other NCAA Staff Members in Attendance:</b>	
Kendee Hilliard, Maritza Jones, Ryan Jones, Becca Burchette Medel, Angela Red and Drea Rog.	



**NCAA DIVISION II COMMITTEE FOR LEGISLATIVE RELIEF  
INFORMATION STANDARDS, GUIDELINES AND DIRECTIVES  
(Updated September 2023)**

The NCAA Division II Committee for Legislative Relief, formerly the NCAA Division II Management Council Administrative Review Subcommittee, was created in 1993 as a response to the NCAA 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 legislation in cases where the circumstances are extraordinary in nature (NCAA Division II Bylaw 9.4.1.7). In January 2008, the Division II Management Council and the 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 Legislative Council Subcommittee for Legislative Relief, formerly the NCAA Division I Management Council Administrative Review Subcommittee and the NCAA Division III Management Council Subcommittee for Legislative Relief, formerly the NCAA Division III Management Council Administrative Review Subcommittee.

**Bylaw 14.**

**Participation in Organized Competition Before Initial Collegiate Enrollment [NCAA Division II Bylaw 14.2.4.2] – Information Standards and Guidelines.**

Effective August 1, 2010, and thereafter (for individuals who are issued a final amateurism certification by the NCAA Eligibility Center on or after April 1, 2010), the following guidelines shall be used by the NCAA staff and the Committee for Legislative Relief (hereinafter referred to as committee) when considering an institution's request to grant relief of the application of Bylaw 14.2.4.2 (participation in organized competition or training prior to initial collegiate enrollment).

These guidelines shall apply to all situations when an individual who does not cease participation by October 1 or March 1 (whichever occurs earlier) immediately after one calendar year has elapsed following the individual's high school graduation and participates in organized competition involving amateur or professional teams.

The primary analysis for such waiver requests will focus on the circumstances outside of the individual or institution's control (e.g., specific event that necessitated the delay such as the injury, illness or death of a family member) surrounding the individual's delayed collegiate enrollment. Specifically, the staff and committee will evaluate the duration of time that the mitigation impacted the student-athlete's ability to enroll (e.g., chronology of events); what circumstances have changed related to the specific event (e.g., how has situation improved or changed); and whether or not the student-athlete initially enrolled at their first opportunity after the mitigation was remedied.

**1. Analysis for providing full relief for season of competition and year in residence.**

- a. Participation in Minimal Amount of Competition. The individual's situation should be assessed to determine the number of contests or dates of competition that the individual participated in after October 1 or March 1 immediately after one calendar year has elapsed following their high school graduate date and prior to initial full-time collegiate enrollment.

If it is determined that the individual has participated in two contests or dates of competition, or 20 percent or less than the contest or dates of competition limits set forth in Bylaw 17 in the individual's sport during each calendar year of participation, full relief for the season of competition and academic year in residence may be granted. See the 20-percent calculation page included in this document for contests or dates of competition limits set forth in Bylaw 17. This analysis may be applied regardless of the individual's mitigation for delaying collegiate enrollment.

If an individual cannot verify the exact number of contests or dates of competition in a calendar year in which the individual triggered the application of the rule, the staff or committee may not provide relief under this guideline.

Relief shall only be provided if participation in such competition would have been permissible under the NCAA amateurism rules at the time.

- b. Actual or Averaging Method. Staff and the committee may apply the minimal amount of competition guideline to each individual calendar year of an individual's participation during the delay, or to the average of the total number of contests or dates of competition an individual participated in during the entire delay period. Staff and the committee shall use whichever method benefits the individual.

**2. Caliber of Competition.** An institution that asserts relief should be provided based on the caliber of competition (e.g., low level competition, elite level competition) that subjected the individual to the legislation shall not, in itself, warrant relief.

**3. Early High School Graduation.** An individual who graduates one or more years early from high school, based on the expected date of graduation for the individual's high school class, shall be subject to the use of a season of competition and serve a year in residence if the individual delays collegiate enrollment and participates in an activity or activities that trigger the application of the rule. Waivers involving assertions that relief should be provided based on an individual graduating earlier than expected from high school shall not, in itself, warrant relief.

**4. Assertions Involving Diversion from Country's Normal Academic Path to High School Graduation.**

- a. Guidelines for Assertions of Diversion from Country's Normal Academic Path. If an institution asserts that an individual diverted from their country's normal academic path to high school graduation, staff and the committee shall review the individual's home educational system and analyze the circumstances that caused the individual to divert from their country's normal academic path to high school graduation. Such requests shall be reviewed on a case-by-case basis.
- b. Business and Technology Educational Council coursework. During the October 2008 NCAA International Student Records Committee meeting, it was determined that effective August 1, 2011 (for prospective student-athletes enrolling on or after August 1, 2011), Business and Technology Educational Council coursework would be considered a category-three document and will not advance a prospective student-athlete's high school graduation date even if the prospective student-athlete advances in the structure within the prescribed timeframe. This change was enacted following questions from the membership related to very few courses, offered through the Business and Technology Educational Council, meeting the NCAA definition of core course (making them nonapplicable to initial eligibility requirements). Since its October 2008 meeting, the staff has communicated this change to the membership (e.g., International Student Records Committee meeting report, regional rules seminars, AMA Education on Demand video, NCAA Guide to International Academic Standards for Athletics Eligibility). Such requests shall be reviewed on a case-by-case basis.

**5. Bylaw 14.2.4.2.1.3.1 (exception to the academic year in residence requirement for transfer student-athletes) and Assertions of Misinformation, Lack of Information and Institutional Error.**

- Guidelines Involving Bylaw 14.2.4.2.1.3.1 (exception to the academic year-in-residence requirement for transfer student-athletes) and Assertions of Misinformation, Lack of Information and Institutional Error.

Bylaw 14.2.4.2.1.3.1 provides an exception to the academic year-in-residence requirement for a two-year or four-year college transfer student-athlete who is subject to the organized competition prior to enrollment legislation provided the student-athlete satisfies specific academic provisions. If an institution provides misinformation, a lack of information, or commits an error when certifying the eligibility of a transfer student-athlete who is subject to the organized competition prior to enrollment legislation, the request will be analyzed using the committee's October 1999 guidelines for transfer waiver requests:

- (1) In cases in which a student-athlete is provided academic information without consideration of athletics, when provided from an appropriate

academic source and the student-athlete could have otherwise been eligible, relief should be provided.

- (2) In cases in which the student-athlete relied in good faith on the academic misinformation and, had correct information been provided, it was determined that the student-athlete could have met the necessary transfer requirements, but for the misinformation, the student-athlete could have been eligible, relief should be provided.
- (3) In cases in which the misinformation provided by the previous four-year institution led to the student-athlete being ineligible and applicant institution can document that the student-athlete would have been eligible had the student-athlete attended applicant institution directly, relief should be provided (e.g., 2-4-4 transfer).
- (4) In situations involving misinformation, if the student-athlete is not eligible at any Division II institution, regardless of the misinformation received, the request should be denied provided the request for relief is based solely on the misinformation.
- (5) In situations in which a student-athlete is initially misinformed about their eligibility status (e.g., informed they will be eligible) but is properly informed that they are not eligible prior to the student-athlete triggering transfer status to the certifying institution, the request should be denied provided the request for relief is based solely on the misinformation.
- (6) The committee noted that in cases where the misinformation cannot be documented and absent other extenuating circumstances, relief should be denied.

## **6. Assertions Involving All Other Extenuating Circumstances.**

- a. Guidelines for Assertions Involving Extenuating Circumstances Beyond Control of Individual. Staff and the committee may grant full or partial relief for the season of competition and/or the academic year in residence when an institution asserts extenuating circumstances beyond the control of the individual that are supported by objective documentation. In reaching a decision, the committee shall review the intent of Bylaw 14.2.4.2 and the complete record (totality of circumstances) to determine if there is a sufficient basis to grant relief.

The following extenuating circumstances that are considered to be beyond the control of an individual that **may** warrant relief of the legislation, include, but are not limited to:



- (1) Medical hardships. Situations clearly supported by contemporaneous medical documentation that establish the individual delayed collegiate enrollment as a result of an incapacitating physical injury or illness involving the individual or a member of the individual's immediate family;
  - (2) Natural disasters. For example: earthquakes, floods;
  - (3) War. Situations where a war is occurring in the locale of the individual's residence;
  - (4) Extreme financial difficulties. An institution that asserts that extreme financial difficulties as a result of a specific event (e.g., layoff, death in the family) experienced by the student-athlete, or by an individual on whom the student-athlete is legally dependent, which resulted in a delay in collegiate enrollment after high school graduation shall provide objective documentation (e.g., decree of bankruptcy, proof of termination). Such an event shall be beyond the control of the individual, or the person on whom the individual is legally dependent.
- b. Guidelines Involving Extenuating Circumstances Within Control of Individual. The following extenuating circumstances that are considered to be within the control of an individual, **shall not**, in itself, warrant relief of the legislation, include, but are not limited to:
- (1) Lack of knowledge regarding the legislation. An institution that asserts relief should be provided because institutional personnel or the individual had a lack of knowledge regarding the legislation shall not, in itself, warrant relief. This guideline applies to recruited and nonrecruited student-athletes. The committee noted the legislation requires institutions to notify recruited prospective student-athletes of the organized competition rule at the earliest practical opportunity after recruitment begins, but not later than the day prior to the prospective student-athlete's signed acceptance of the national letter of intent or institution's written offer of admission and/or financial aid (Bylaw 14.2.4.2.3);
  - (2) Failure to enroll in college due to academic deficiencies, disciplinary reasons or incarceration. An institution that asserts relief should be provided because of an individual's inability to initially enroll in a collegiate institution after high school graduation for failure to meet academic requirements, disciplinary reasons or incarceration culminating in or resulting from a conviction; and
  - (3) Misinformation or a lack of information provided from institutional personnel. An institution that asserts relief should be provided because of misinformation or lack of information that was provided from institutional

personnel to the prospective student-athlete during the recruitment process (except for waivers involving Bylaw 14.2.4.2.1.3.1).

These guidelines are intended to provide guidance to the staff and the committee, with the understanding that both entities may use discretion in the application of these guidelines. Further, exceptions to these guidelines may be applied by the staff and the committee when warranted by the totality of the circumstances of a specific case.

**NCAA Division II Bylaw 14.2.4.2 – 20% Calculation of Contests and Dates of Competition (See Figure 17-1 in the NCAA Manual for Maximum Numbers of Contests and Dates of Competition for Each Sport).**

<b>Sport</b>	<b>Contests*</b>	<b>Dates of Competition*</b>
Acrobatics and Tumbling		3
Baseball	10	
Basketball	6	
Beach Volleyball		4
Bowling, Women's		7
Cross Country		2
Equestrian		3
Fencing		3
Field Hockey	5	
Football	3	
Golf		5
Gymnastics		3
Ice Hockey, Men's	7	
Ice Hockey, Women's	7	
Lacrosse		4
Rifle		4
Rowing, Women's		4
Rugby, Women's		4
Skiing		4 (Alpine) 4 (Nordic)
Soccer	5	
Softball	12	
Stunt		4
Swimming and Diving		4
Tennis		5
Track and Field (Indoor and Outdoor)		4
Triathlon, Women's		2
Volleyball, Men's		7
Volleyball, Women's		6
Water Polo		5
Wrestling, Men's		4
Wrestling, Women's		4

\* When calculating the maximum number of contests and dates of competition for purposes of these guidelines, the totals have been rounded up to the next whole number.

## **Transfer Year-in-Residence Legislation [Bylaw 14.5] – Information Standards, Guidelines and Directives.**

In May 2020, the Committee for Legislative Relief granted the NCAA staff authority to exercise discretion and sensitivity in evaluating cases involving a student-athlete transferring to a Division II institution due to the COVID-19 pandemic, specifically when the prescribed outcome of the guidelines or case precedent impact the health or safety of the student-athlete.

### **1. Assertions of Personal Hardship.**

- a. Guidelines for Assertions of Personal Hardship. During its October 2023 videoconference, the committee discussed the relief that should be provided for waivers in instances which an institution asserts that personal hardship of the student-athlete, or the student-athlete's relative or legal guardian, necessitated the student-athlete's transfer to the certifying institution. The committee noted that areas of personal hardship to be considered include, but are not limited to, injury/illness or financial hardship.

The committee approved the following guidelines regarding assertions of personal hardship to the student-athlete:

- (1) If the institution is unable to provide objective documentation to substantiate the specific cause, and/or specific event which caused, personal hardship, the case should be denied.
- (2) If the institution does provide objective documentation to substantiate that the personal hardship necessitated the student-athlete's transfer to the certifying institution, the case may be granted.
- (3) If the institution provides documentation substantiating an instance of personal hardship but the personal hardship does not relate to the necessity to transfer, the case should be denied.

- b. During its March 2023 videoconference, the committee reviewed case precedent submitted for student-athletes that involved assertions related to personal hardship to the student-athlete or the student-athlete's relative or legal guardian as the primary basis for relief. The committee reviewed the common circumstances submitted for such waiver requests and instructed the staff to continue reviewing such requests on a case-by-case basis. In addition, the committee noted relief of the transfer year-in-residence legislation should be considered when the following circumstances are appropriately documented:

- (1) Nature of personal hardship. Staff should consider relief of the legislation for circumstances involving an objectively documented instance of personal hardship (e.g., debilitating injury or illness, bankruptcy, layoff, reduction or

cancellation of athletics aid) to a student-athlete or a student-athlete's relative or legal guardian creating dependency on the student-athlete;

- (2) Student-athlete's responsibilities related to care or financial assistance. Staff should consider relief of the legislation when the student-athlete can demonstrate they are providing ongoing responsibilities related to care-giving or financial assistance to their relative(s) or legal guardian(s);
- (3) Distance from the student-athlete's support system. Staff should consider relief of the legislation when the student-athlete transfers to an institution within a 100-mile radius from the student-athlete's home or support system due to the personal hardship. Additionally, staff may consider other relevant factors regarding the distance from the certifying institution to the student-athlete's support system (e.g., student-athlete transferred to the closest institution that would provide an opportunity to participate); and
- (4) Chronology of events. Staff should consider relief of the legislation when the chronology of events supports the necessity for the student-athlete to transfer. The student-athlete must transfer within or immediately after the academic year once becoming aware of the personal hardship.

c. Information Standards for Assertions of Personal Hardship. The committee adopted the following standards for situations in which a waiver of the legislation is requested, and the mitigation provided by the institution involves a personal hardship:

- (1) A letter from the student-athlete explaining the need for relief of the legislation;
- (2) The institution must submit objective, contemporaneous documentation related to the personal hardship. Where appropriate, the documentation must include a statement from a treating professional;
- (3) The institution must demonstrate that the personal hardship has a direct link to warranting relief of the legislation;
- (4) Detailed chronology of events related to the personal hardship. For example (this is not an exhaustive list):
  - (a) Date of hardship onset.
  - (b) Date student-athlete became aware of the hardship.
  - (c) Date student-athlete initiated transfer process from original institution (e.g., provided written notification of transfer).

- (d) What circumstances, if any, have changed related to the personal hardship?
- (5) Actions, if any, the student-athlete took to remain at the original institution;
- (6) Student-athlete's responsibilities, if any, related to providing support for their family;
- (7) A written statement from the previous institution detailing the reason(s) why the student-athlete indicated they are transferring from the previous institution;
- (8) Other factors influencing the student-athlete's decision to transfer (e.g., playing time, coaching change); and
- (9) Where appropriate, a statement from the certifying institution's director of athletics and the head coach confirming the student-athlete will be permitted to depart from the team at any time to fulfill their responsibilities related to care-giving or financial assistance for the impacted relative(s) or legal guardian(s) and ensuring the coaching staff is supportive of the student-athlete's departure from the team.

## 2. **Assertions of Egregious Behavior.**

During its September 29, 2021, teleconference, the Committee for Legislative Relief discussed the relief that may be provided for waivers involving Bylaw 14.5.5 (transfer regulations) in which an institution asserts that the student-athlete was a victim of egregious behavior by a student-athlete or staff member(s) while enrolled at the previous institution.

- a. Information Standards for Assertions of Egregious Behavior. The committee adopted the following information standards for transfers asserting egregious behavior:
  - (1) Objective documentation of the egregious behavior that directly impacted the health, safety or well-being of the student-athlete.
  - (2) A written statement from the previous institution's director of athletics, or their designee, detailing the reason(s) why the student-athlete indicated they are transferring from the previous institution.
  - (3) A written statement from the applicant institution indicating that the student-athlete is in good academic standing and meets all progress-toward-degree requirements at applicant institution.

- b. Guidelines for Assertions of Egregious Behavior. The committee approved the following guidelines regarding assertions of egregious behavior.
  - (1) In cases where the student-athlete was a victim of objective, documented egregious behavior (e.g., physical assault or abuse, sexually inappropriate behavior, racial abuse, religious discrimination, questioning of sexuality) by a student or staff member at the previous institution, staff may grant immediate eligibility.
  - (2) The definition of egregious behavior is not limited to the examples above, and staff should use appropriate discretion in the analysis of the facts.
  - (3) In cases where the applicant cannot document that the student-athlete was a victim of egregious behavior by a student or staff member at the previous institution, staff should review on a case-by-case basis.

**3. Assertions of Academic and Athletics Reasons.**

- a. Guidelines for Assertions of Academic and Athletics Reasons. During its March 2023 meeting, the committee reviewed case precedent and affirmed the continued application of the October 2000 academic and athletics guidelines regarding transfer waiver requests. The committee specifically noted that staff should continue to deny requests for transfers due to athletics reasons (e.g., a coaching change, lack of playing time) absent any other mitigation.
- b. Directive for Assertions of Reasons Unrelated to Athletics. During its March 2021 videoconference, the committee reviewed case precedent that involved four-year college student-athletes transferring for reasons unrelated to athletics. The committee reviewed the common circumstances submitted for such waiver requests and instructed staff to continue reviewing such requests on a case-by-case basis. In addition, the committee noted relief of the transfer year-in-residence legislation should be considered under the following circumstances:
  - (1) Student-athlete transferred for reasons unrelated to athletics; and
  - (2) Applicant institution provides written documentation from the previous institution confirming the nature of the contact or communication, if any, between the student-athlete and previous institution's athletics department.
- c. Directive for Assertions of Academic Reasons. During its March 2023 videoconference, the committee discussed cases that involved four-year college student-athletes transferring for reasons related to academics. The committee noted relief of the transfer year-in-residence legislation should be considered under the following asserted academic reasons:

- (1) Student-athlete transfers because the degree program does not meet their academic expectations.
- (2) The institution or the student-athlete is able to provide documentation supporting the transfer for academic reasons.
- (3) The student-athlete transferred for academic reasons on more than one occasion and applicant institution is able to provide documentation to confirm that the student-athlete is on track to graduate from applicant institution.
- (4) The student-athlete transferred to change majors.

**4. Transfer-Residency Requirement Due to a Division II Student-Athlete Not Providing Written Notification of Transfer by the June 15 deadline.**

During its March 2023, videoconference, the Committee for Legislative Relief discussed the relief that may be provided for waivers involving Bylaw 14.5.5 (transfer regulations) in which a student-athlete does not provide their previous Division II institution with written notification of transfer by June 15.

- Directive for Requests Involving Division II Student-Athletes that Provide Written Notification of Transfer After June 15.
  - In March 2023, the committee reaffirmed its October 2022 guidance to NCAA staff regarding waiver requests involving student-athletes transferring from a Division II institution to another Division II institution and provide written notification of transfer after June 15. The committee directed staff to approve such waiver requests, provided the student-athlete satisfies the following requirements:
    - (a) This is the student-athlete's first four-year transfer;
    - (b) The student-athlete departed the previous Division II institution in good academic standing and meeting all progress-toward-degree requirements;
    - (c) The head coach at the certifying institution and the student-athlete certify that no contact occurred with the student-athlete, or any individual associated with the student-athlete (e.g., family member, scholastic or nonscholastic coach, advisor), directly or indirectly, without first obtaining authorization through the notification of transfer process; and



- (d) The previous Division II institution supports the waiver request.

**5. Waiver Requests Involving Lack of Support from Previous Institution.**

During its March 2023, videoconference, the Committee for Legislative Relief discussed the relief that may be provided for waivers involving Bylaw 14.5.5 (transfer regulations) in which the previous institution does not provide support for the waiver request.

- Directive for Requests Involving a Lack of Support for the Waiver Request from the Previous Institution.

- (1) The committee specified that when a NCAA or NAIA institution has not provided support for a student-athlete's waiver request for a transfer to a NCAA Division II institution, the staff should review waiver requests on a case-by-case basis to determine if there is sufficient mitigation to provide relief.
- (2) The committee specified that when the previous institution changes its original position on the waiver request (e.g., initially supported the request and later notifies that they no longer support), the case should be approved.
- (3) The committee confirmed that staff may approve a waiver when the previous institution has not supported the waiver request, but the applicant institution provided sufficient mitigation to show the necessity of the student-athlete's transfer. Additionally, the committee stated that in such instances, an individual from the previous institution's athletics department with oversight on providing the institution's stance on waiver requests is required to provide a written statement indicating the reason provided by the student-athlete for the transfer. If the reason for transfer asserted by the applicant institution is different from the one provided by the previous institution, the same individual from the previous institution must provide a written statement indicating whether their position would change based on the new information.

**6. Assertions Involving Diagnosed Education-Impacting Disabilities.**

- a. Guidelines for Assertions Involving Diagnosed Education-Impacting Disabilities.  
(NOTE: For academic eligibility purposes, the NCAA defines a disability as a current impairment that has a substantial educational impact on a student's academic performance and requires accommodation.)

During its October 2000 meeting, the staff provided the committee with an overview of cases processed where an education-impacting disability was included in the request. The staff informed the committee that it has reviewed two main types of cases: (1) the education-impacting disability resulted in the need for relief;

and (2) the education-impacting disability is not a direct factor in the request for relief.

b. Information Standards for Assertions Involving Diagnosed Education-Impacting Disabilities. In its March 2014 meeting, the committee updated the information standards for these types of waivers. The information standards are as follows:

- (1) The institution must submit current, signed documentation of the diagnosis (including test data) and/or recommendations from the treating professional (e.g., medical doctor, clinical psychologist, another qualified individual). If specific circumstances of the case indicate that this requirement is unnecessary, a prior diagnosis may be acceptable. (NOTE: The staff or committee reserves the right to request a second opinion or diagnosis.)
- (2) If appropriate, the applicant institution should provide contemporaneous documentation from an individual who is qualified and licensed to diagnose and treat (e.g., psychiatrist, psychologist) the student-athlete with a mental health disorder (e.g., depression, anxiety, post-traumatic stress disorder).
- (3) The institution must submit a written statement from the student-athlete that addresses the impact of the diagnosed disability on the student-athlete's academic performance and its relation to the desired request for relief.
- (4) If the student-athlete has voluntarily disclosed to the office of disability services, the institution must provide documentation of the specific accommodations or academic adjustments granted to provide access to the student-athlete. This summary must include accommodations provided by the institution with respect to the student-athlete's disability, as well as academic and other support services provided, and any institutional accommodations related to adjustments of minimum performance requirements. If the institution offers any accommodations with respect to

the student-athlete's athletics responsibilities, those should be indicated as well.

- (5) In a transfer situation, the applicant institution should provide documentation demonstrating that the student-athlete with an education-impacting disability needed support services and/or treatment that was unavailable and/or inadequate at the previous institution but available at the applicant institution.

## **7. Competition in Year-of-Transfer Legislation Directive.**

- Directive for Requests Involving Competition in Year-in Transfer (NCAA Division II Bylaw 14.5.5.4).

- (1) In September 2017, the Committee for Legislative Relief directed the NCAA staff to review waiver requests on a case-by-case basis to determine if there is sufficient mitigation to provide relief. The committee noted the institution must provide documentation demonstrating reasons outside of the student-athlete's control necessitating the transfer as well as extraordinary circumstances warranting relief of the competition in year-of-transfer legislation.
- (2) The committee directed the staff to deny requests due to athletics reasons (e.g., a coaching change, lack of playing time) or lack of knowledge of the legislation absent any other mitigation.