



Division III Management Council  
Subcommittee for Legislative Relief  
Information Standards, Guidelines and  
Directives

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## **Introduction.**

The NCAA Division III Management Council Subcommittee for Legislative Relief, formerly the NCAA Division III Management Council Administrative Review Subcommittee was created in 1993 as a response to the membership's desire for more rules' flexibility. This subcommittee of the NCAA Division III Management Council reviews the application of NCAA legislation in cases where the circumstances are extraordinary in nature (NCAA Division III Bylaw 5.4.1.7).

## **Definitions.**

This section is intended to provide clarity on the types of guidance contained within this document regarding legislative relief waivers. Further, it serves to distinguish this document from other necessary waiver resources, including but not limited to, the Subcommittee for Legislative Relief's previously approved waivers list, blanket waivers and tip sheet on the difference among waiver types.

- Blanket waiver: Waiver that provides temporary relief of NCAA legislation for specific extenuating circumstances that have a reasonably demonstrated widespread impact and/or would benefit the NCAA membership or student-athletes at large.
- Directive: Express, required waiver criteria prescribed by the Subcommittee for Legislative Relief that, when satisfied and appropriately documented, will result in relief of the legislation.
- Education-impacting disability: 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.
- Guideline: Recommended, general guidance on the type of mitigation and documentation prescribed by the Subcommittee for Legislative Relief that should be considered when providing relief of the legislation.
- Information standard: Specific, required documentation for a particular type of waiver.
- Legislative relief waiver: Provides relief of legislated requirements when the member institution/conference cannot satisfy the requirements and can demonstrate mitigating circumstances exist to warrant relief of the requirements.
- Previously approved waiver: Allows institutions to self-apply any waiver specifically listed, negating the need to file a legislative relief waiver, provided the institution's circumstances match the circumstances listed and satisfy the specified criteria for the particular waiver.
- Subcommittee for Legislative Relief: A subcommittee of the NCAA Division III Management Council that (1) reviews Division III member institution and conference

requests to waive the normal application of NCAA legislation; (2) provides information standards, guidelines and directives for NCAA staff to initially review legislative relief waiver requests; (3) serves as an appellate body for all staff decisions that the membership wishes to appeal; and (4) is composed of representatives from the Division III membership.

## Division III Bylaw 14

The Management Council approved, in October 2015 (to be effective January 2016), the integration of the NCAA Division III Management Council Subcommittee on Academic Issues into its Subcommittee for Legislative Relief. Consequently, Subcommittee for Legislation Relief is authorized to hear, deliberate and decide all waivers of the academic and full-time enrollment requirements and to consider relief from the application of NCAA legislation in Bylaws 14.01.2 (academic status), 14.1.7 (admission and enrollment) and 14.1.8 (full-time enrollment) and its subsections.

### **Bylaw 14.1.8.1 Full-Time Enrollment – Guidelines.**

During its September 2003 meeting, the former Subcommittee on Academic Issues determined that in order to receive relief under the directive, member institutions must present evidence of specific mitigating circumstances along with a reasonable expectation for the student-athlete to maintain appropriate academic progress as dictated by Division III eligibility legislation for the waiver request to be granted. Such waivers will be reviewed under the presumption of a good-faith effort on the part of the student-athlete and their institution toward completion of the student-athlete's collegiate degree within four years of the student-athlete's full-time enrollment, unless and until circumstances surrounding the waiver request indicate otherwise. Further, the Subcommittee on Academic Issues determined that waivers of the full-time enrollment legislation were not intended to permit a student-athlete who completes a degree program to continue participating beyond four and one-half years of enrollment while not enrolled in a full-time course load.

#### 1. Mitigating circumstances.

- Circumstances that may be considered as compelling mitigation and supported by objective documentation shall include, but are not limited to, the following:
  - (1) Personal hardship.
    - Situations clearly supported by contemporaneous documentation, which indicate that the student-athlete is unable to meet the 12 credit-hour enrollment requirement as a result of significant physical or mental circumstances suffered by the student-athlete, a close family member or others on whom the student-athlete is dependent;
  - (2) Restrictive degree programs;
  - (3) Education-impacting disability;
  - (4) Misadvisement or lack of advisement;

- (5) Nontraditional academic calendar;
- (6) Participation in athletics activities as defined by Bylaw 14.1.8.1.7.3 (Pan American, World Championships, World Cup, etc.); and
- (7) Other unforeseen events and/or circumstances beyond the student-athlete's control.

2. Documentation.

Institutions are required to provide the following supporting documentation with waiver requests:

- a. An accurately completed Subcommittee for Legislative Relief waiver application submitted via NCAA Requests/Self-Reports Online;
- b. Letters or statements from the institution and student-athlete explaining the reasons for the deficiency;
- c. Evidence of the compelling mitigating circumstance(s) supporting the waiver request; and
- d. A copy of the student-athlete's current official transcript and copies of official transcripts from any previous institutions (print-screen transcripts will not be accepted).

3. Guidelines for consideration.

The NCAA staff is granted the authority to approve requests for less than full-time enrollment based on a review of the following information:

- a. Standard documentation. The following is required to be provided unless staff indicates otherwise:
  - (1) Personal hardship.
    - (a) Documentation confirming the hardship event or circumstances;
    - (b) Documentation linking the hardship event or circumstances to the term for which the waiver is requested;
    - (c) Clarification that the event or circumstance has been resolved or accommodated to the point that it will no longer impact the student-athlete's ability to be academically successful; and

- (d) Evidence that demonstrates that it is reasonable to believe that, due to the medical condition or event, the student-athlete warrants participation while enrolled in less than 12 credit hours.
- (2) Restrictive degree programs.
- (a) Documentation of the degree-program requirements or institutional policy that restrict the student-athlete's ability to be enrolled in 12 credit hours (e.g., course sequencing, block scheduling); and
  - (b) Evidence that demonstrates that it is reasonable to believe that, due to the restrictive nature of the academic program, the student-athlete warrants participation while enrolled in less than 12 credit hours.
- (3) Education-impacting disability.
- (a) Full and complete documentation of the student-athlete's education-impacting disability including:
    - i. Current, signed documentation of the diagnosis (including test data) and/or recommendations from the treating professional (e.g., medical doctor, clinical psychologist, other qualified individuals). If specific circumstances of the case indicate that this requirement is unnecessary, a prior diagnosis may be acceptable. (Note: The staff or subcommittee reserves the right to request a second opinion or diagnosis);
    - ii. If appropriate, 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, PTSD);
  - (b) If the student-athlete has voluntarily disclosed to the office of disability services, the institution must provide documentation of the specific accommodations, academic adjustments or other support services granted to provide access to the student-athlete because of their disability(s). The appropriate institutional academic authority (e.g., registrar, office of disability services) must document that the student-athlete's full-time enrollment needs to be less than 12 credit hours to ensure access based on their disability(s). If the institution offers any accommodations

with respect to the student-athlete's athletics responsibilities, those should be indicated as well; and

- (c) The institution must submit a written statement from the student-athlete that addresses the impact of the diagnosed disability on their academic performance and its relation to the desired request for relief.
- (4) Misadvisement or lack of advisement.
- (a) Documented misadvisement, typically a written statement of explanation from the person or persons responsible for providing erroneous information or the individual's supervisor. This statement must summarize the information given to the student-athlete. In the event the responsible individual is unavailable to submit a statement, the institution must submit a statement from the individual's supervisor including an explanation as to why the responsible individual could not provide a statement (e.g., no longer employed, etc.). If available, the institution should include contemporaneous documentation demonstrating misadvisement (e.g., notes, phone logs);
  - (b) A written statement from the student-athlete in question demonstrating whether the student-athlete, in good faith, relied on the erroneous information to their detriment. The statement should include a chronology of events;
  - (c) Clear evidence that the student-athlete's inability to comply with the bylaw in question was the result of their reliance on the misadvisement or the lack of advisement and that, but for the misadvisement or lack of advisement, it is reasonable to determine that the student-athlete would have satisfied the requirement;
  - (d) A reasonable institutional recovery plan to avoid a similar situation occurring in the future. Such a plan should include educational initiatives to be conducted by the institution relative to the personnel who have a role in providing academic advisement to student-athletes. The plan must be signed by the director of athletics and the faculty athletics representative; and
  - (e) Evidence that demonstrates that it is reasonable to believe that, but for the misadvisement, the student-athlete would have been able to comply with the applicable bylaw.



- (5) Nontraditional academic calendar.
  - (a) A written explanation of the academic conflict with the 12 credit-hour requirement;
  - (b) A copy of the institution's official academic calendar; and
  - (c) A listing of all sports affected by the calendar conflict.
  
- (6) Elite athletics participation.
  - (a) Olympic, Pan American, World Championships, World Cup, World University Games, World University Championships or World Youth Championships. Requests for less than full-time enrollment due to participation in international competition outlined in Bylaw 14.1.8.1.7.3 (Olympic Games, Pan American Games, World Championships, World Cup, World University Games, World University Championships or World Youth Championships – practice or competition) based on a review of information indicating the student-athlete is participating in the junior or elite levels of any of the above-named events.
  
  - (b) U.S. Olympic or National Governing Body. For independent institutions only, requests for practice while enrolled less than full time due to participation in national competition outlined in Bylaw 14.1.8.1.7.4 (U.S. Olympic Committee/National Governing Body – practice only) based on a review of the following information:
    - i. Written confirmation that practice sessions take place at the institution(s) the individual previously attended as an undergraduate, or currently attends or previously attended as a graduate student;
  
    - ii. The practice sessions involve an individual sport or rowing (or for student-athletes with eligibility remaining, practice sessions may include any sport);
  
    - iii. The U.S. Olympic Committee or National Governing Body in the sport has recommended the individual's participation; and
  
    - iv. In the case of a student-athlete with eligibility remaining in the sport, such participation occurs only during the academic year immediately before the Olympic Games.

- (7) Other unforeseen events and/or circumstances beyond the student-athlete's control:
  - Any additional documented compelling mitigating circumstances surrounding the waiver request.
- b. Additional elements. When reviewing a request, staff may also consider the following elements:
  - (1) Documentation confirming the student-athlete is registered for all remaining credit hours and/or coursework to complete the degree;
  - (2) Documentation confirming a noncredit-bearing element is necessary for graduation (e.g., capstone; completion of thesis);
  - (3) Student-athlete well-being;
  - (4) The student-athlete's overall academic record;
  - (5) Documentation demonstrating the potential for therapeutic benefit; and
  - (6) Any additional documented compelling mitigating circumstances surrounding the waiver request.

**Bylaw 14.1.9 Graduate/Postbaccalaureate Student Eligibility – Guidelines and Directives.**

For waivers of Bylaw 14.1.9, during its October 2009 (reaffirmed in March 2019) meeting, the subcommittee determined that in order to receive relief under the directive, member institutions must demonstrate that the student-athlete is accepted and enrolled as a full-time, degree-seeking student in a graduate or professional school program, or a second baccalaureate or equivalent degree program. In addition, documentation must be provided demonstrating any of the following criteria:

1. Directive for compelling and exemplary academic success.
  - a. The student-athlete graduated with an undergraduate degree within four academic years. Such documentation shall be in the form of the student-athlete's academic transcript and/or a written statement from an appropriate academic official from the previous institution (e.g., registrar);
  - b. The student-athlete has seasons of participation remaining. A season of participation shall be determined based on Division III Bylaw 14.2.4.1 (minimum amount of participation), regardless of where (e.g., other NCAA division, NAIA) the participation occurs;

- c. The student-athlete continued/maintained their education as a full-time student rather than having "breaks" (e.g., part time) in enrollment for no reason/circumstances beyond their control; and
- d. The student-athlete possesses a minimum 3.000 cumulative grade-point average.

2. Guideline for other extenuating or extraordinary circumstances.

- a. If a student-athlete does not satisfy Item No. 1 above, the staff and the subcommittee will also consider, on a case-by-case basis, other extenuating or extraordinary circumstances (e.g., circumstances outside of the student-athlete's control such as an incapacitating injury or illness). Based on the NCAA Division III President Council's direction, the subcommittee has determined that waiver requests solely based on the unavailability of the student-athlete's degree program at the previous institution will not result in waiver relief. Further, the subcommittee has determined that waiver requests solely based on the student's nonparticipation in athletics prior to attending to a Division III institution will not result in relief.
- b. For waiver requests involving assertions related to a student-athlete's incapacitating injury or illness, relief may be provided under the following circumstances:
  - (1) The student-athlete must present two years or more in which an incapacitating injury or illness prevented them from participating in intercollegiate athletics;
  - (2) Documentation must be provided demonstrating that a medical physician diagnosed the student-athlete's injury or illness as incapacitating and, as a result, the student-athlete was unable to participate in athletics for the year in which the injury or illness was sustained; and
  - (3) If the student-athlete subjected themselves to the use of a season of participation prior to sustaining the incapacitating injury or illness, documentation must be provided demonstrating that they have received a medical hardship waiver for that season.

3. Guideline for military involvement.

- If a student-athlete does not satisfy Item Nos. 1 or 2 above but was involved in military duty during their undergraduate enrollment, the subcommittee has granted staff the autonomy to consider, on a case-by-case basis, whether relief is appropriate.

### **Bylaw 14.2.2.1 Use of a Semester/Quarter – Information Standards and Guidelines.**

In October and December 2000 (reaffirmed in September 2015), the subcommittee and the NCAA Division III Committee on Student-Athlete Reinstatement reviewed cases involving institutions seeking to waive the use of a semester/quarter of enrollment. Specifically, the subcommittee and the NCAA Division III Committee on Student-Athlete Reinstatement determined that if a student-athlete had not been credited with the use of a semester by the institution, then the subcommittee would be the appropriate avenue for an appeal. The subcommittee adopted the following guidelines to be used to determine if the request should be processed by the subcommittee or as an extension per Bylaw 14.2.2. If the student-athlete's situation falls within both criteria, then the subcommittee is the appropriate avenue of relief.

1. Guidelines for use of a semester/quarter.
  - a. The full-time enrollment occurred for a short period of time (e.g., drop/add period); and
  - b. The student-athlete never attended the full-time schedule for that semester or quarter.

The subcommittee recommends that the lead of the NCAA legislative relief team determine whether the subcommittee or an extension request is the appropriate avenue for relief. Further, for cases where the subcommittee is determined to be the appropriate authority, the subcommittee recommends the following information standards.

2. Information standards for use of a semester/quarter.
  - a. Documentation of institution's mistake or misadvisement from the appropriate institutional authority;
  - b. Documentation that the institution considered the student-athlete to be enrolled part time; and
  - c. A statement from the student-athlete.

### **Bylaw 14.2.4.1 Minimum Amount of Participation – Guideline.**

For waivers of Bylaw 14.2.4.1 (criteria for determining season of eligibility—minimum amount of participation), during its December 2016 meeting, the subcommittee agreed that NCAA may provide relief to a transgender female (male to female) student-athlete to allow her to practice with a women's team during the year of ineligibility [per NCAA (Reference: 5/29/15, Item Ref. 2) Official Interpretation] without using a season of participation, provided:

1. The student-athlete provides medical documentation to the applicant institution confirming she is in her first year of being treated with testosterone suppression medication or is within her first year following surgical intervention;
2. The applicant institution certifies that it has received required medical documentation confirming the student-athlete's treatment; and
3. The student-athlete is otherwise eligible for practice.

**Bylaw 14.2.4.4 Participation in Organized Competition Before Initial-Collegiate Enrollment – Guideline.**

During its October 2002 (reaffirmed in September 2015) meeting, the subcommittee noted that the intent of the organized competition legislation was to focus on the period following the one year period after high school graduation and between initial-collegiate enrollment, and recognize that participation in a high level of competition during this time may result in a competitive advantage. Thus, the loss of season(s) of participation, as a consequence for choosing to engage in such activity, would lessen the competitive advantage and foster a level playing field among member institutions. The subcommittee noted that Bylaw 14.2.4.4 is the cornerstone of the recent amateurism deregulation and it was intended by the membership to result in a student-athlete being charged with a season of participation. Therefore, the subcommittee noted that granting requests to waive this legislation would compromise its intent and purpose.

**Bylaw 14.5.1 Transfer Year-in-Residence Legislation – Information Standards, Guidelines and Directives.**

1. Misadvisement.
  - a. Guidelines for assertions of misadvisement.

During its July 2004 and April 2008 meetings, the subcommittee reviewed case precedent and affirmed the continued application of the October 1999 (reaffirmed in September 2015) information standards in cases involving assertions of misadvisement. The subcommittee also affirmed that staff should continue to include consideration of other factors including student-athlete well-being, competitive advantage, fairness, academic record, the intent of the rule and additional circumstances outside the control of the student-athlete and/or institution.

During its September 2013 meeting, the subcommittee reviewed whether relief is appropriate for circumstances when the sources of academic misadvisement are individuals other than an academic authority or compliance administrator at member institution. The subcommittee determined that it would review these circumstances on a case-by-case basis but were inclined to deny.

The subcommittee approved the following guidelines in regard to assertions of misadvisement:

- (1) In cases in which the misadvisement 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 they attended applicant institution directly, relief should be provided (e.g., 2-4-4 transfer).
- (2) In cases in which the student-athlete relied in good faith on the academic misadvisement and had correct information been provided, it was determined that the student-athlete could have met the necessary transfer requirements and, but for the misadvisement, they could have been eligible, relief should be provided.
- (3) In situations involving misadvisement, if the student-athlete is not eligible at any Division III institution, regardless of the misadvisement received, the request should be denied provided the request for relief is solely based on the misadvisement.
- (4) In cases where the misadvisement cannot be documented and absent other extenuating circumstances, the subcommittee directed staff to deny these cases.

b. Information standards for assertions of misadvisement.

During its April 2008 (reaffirmed in August 2019) meeting, staff presented a report on cases involving misadvisement from institutional administrators and proposed new informational standards for these types of waivers. The subcommittee determined that if an institution is claiming misadvisement as a mitigating circumstance, the following must be included in the request:

- (1) The institution must submit a written statement of explanation from the person or persons responsible for or accused of providing erroneous information, which summarizes the information given to the student-athlete. If available, contemporaneous documentation demonstrating the misadvisement (e.g., notes, phone logs, etc.).
- (2) Written statement from the student-athlete in question demonstrating whether the student-athlete, in good faith, relied on the erroneous information to their detriment. The statement should also include a chronology of events.
- (3) Transcripts of the student-athlete from all institutions attended.

In instances where the applicant institution benefits (waiver request is granted) as a result of misadvisement, a lack of advisement or institutional error in which a student-athlete(s) is detrimentally impacted by the actions of institutional personnel, the subcommittee recommended staff use its discretion to determine if the chancellor or president of the applicant institution should be notified by letter detailing the chronology of the institution's/individual's actions. A member of the staff or subcommittee may call an institution's chancellor or president to provide notice regarding the institution's plans to prevent future instances of misadvisement/error when an institution has submitted multiple waiver requests involving misadvisement, a lack of advisement or institutional error that has detrimentally impacted a student-athlete.

2. Injury/illness.

a. Guidelines for assertions of injury/illness.

The subcommittee reviewed case precedent and affirmed the October 1999 (reaffirmed in September 2015) information standards for assertions of injury/illness. The subcommittee also approved the following guidelines:

- (1) If the institution is unable to provide documentation to substantiate the injury/illness, the case should be denied.
- (2) If the institution does provide documentation substantiating the injury/illness and the injury or illness necessitated the transfer, the case should be granted.
- (3) If the institution provides documentation substantiating an injury or illness, but the injury/illness is ancillary to the facts and, thus, does not relate to the need to transfer, the case should be denied.

b. During its September 2013 meeting, the subcommittee reviewed the common circumstances submitted for waiver requests for student-athletes that involved an asserted injury/illness to the student-athlete or a family member as the primary basis for relief and instructed staff to continue reviewing such requests on a case-by-case basis. In addition, the subcommittee noted relief of the transfer year-in-residence legislation should be considered when the following circumstances are appropriately documented:

- (1) Nature of injury/illness. Staff should consider relief of the legislation for circumstances involving a medically documented debilitating injury/illness (including mental illness) to a student-athlete's immediate family member (e.g., parent, sibling, child, legal guardian) creating dependency on the student-athlete;

- (2) Student-athlete's responsibilities related to the care of the family member. Staff should consider relief of the legislation when the student-athlete can demonstrate they are providing ongoing, caregiving responsibilities to the individual(s) who is injured/ill. Additionally, the applicant institution must be within a 100-mile radius of the student-athlete's injured/ill family member's home;
- (3) 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 should transfer within or immediately after the academic year once becoming aware of the injured/ill family member's diagnosis, change in medical condition or family circumstances; and
- (4) Terminal illnesses. The committee has instructed staff to review requests on a case-by-case basis involving an injury/illness to a family member that has been diagnosed and documented as terminal (i.e., individual has less than a year to live) but does not meet the requirements of the previous guidelines.

c. Information standards for assertions of injury/illness.

The subcommittee adopted the following information standards for situations in which a waiver of legislation is requested, and the mitigation provided by the institution involves an injury/illness.

- (1) The institution must submit written documentation from the professional who diagnosed the family member's condition;
- (2) Where appropriate, the institution must provide contemporaneous medical documentation from the treating professional; and
- (3) A letter from the student-athlete explaining the need for relief from the legislation.

3. Financial hardship.

a. Guidelines for assertions of financial hardship.

During its September 2013 meeting, the subcommittee affirmed information standards for assertions of financial hardship and the guideline to deny requests involving a transfer for financial reasons in which the documentation provided does not meet the information standards. Further, the subcommittee indicated that the information standards should require the financial hardship to be a result of a specific incident. The subcommittee noted that when a student-athlete's transfer is the result of a specific event causing a financial hardship



and supporting objective documentation is provided, relief from the transfer year-in-residence may be considered. Lastly, the subcommittee directed staff to deny any case involving a transfer for financial reasons in which the documentation is unavailable to meet the information standards.

b. Information standards for assertions of financial hardship.

During its September 2013 meeting, the subcommittee adopted the following information standards for situations where the institution requests a waiver of the transfer-residence requirement when the student-athlete's transfer was necessitated by financial considerations, due to the financial difficulties of the student-athlete, parents(s) guardian(s) or individual(s) of a comparable relationship:

- (1) The institution must submit documentation of the cause of the financial difficulty (e.g., bankruptcy, lay-off, illness, etc.);
- (2) The institution must demonstrate that the financial difficulty has a direct link to warranting relief from the legislation (e.g., student-athlete is forced to transfer to work and support family);
- (3) Detailed chronology of events related to the financial hardship. For example (this is not an exhaustive list):
  - (a) Date when hardship onset.
  - (b) Date student-athlete became aware of the hardship.
  - (c) Date student-athlete initiated transfer process from original institution (e.g., requested permission to contact).
  - (d) What circumstances, if any, have changed related to the financial hardship?
- (4) Cost of attendance at previous institution and applicant institution;
- (5) Actions, if any, the student-athlete took to remain at the original institution (e.g., update Free Application for Federal Student Aid, apply for additional student aid);
- (6) Documentation demonstrating the student-athlete's total financial aid situation at the previous institution and applicant institution (e.g., loans student-athlete was eligible for, loans student-athlete accepted, amount of athletics aid, other financial aid);

- (7) Contributions the student-athlete's parent(s) or legal guardian(s) paid toward the student-athlete's education at the previous institution and applicant institution, if any;
- (8) Student-athlete's responsibilities, if any, related to providing financial support for their family;
- (9) Statement from previous institution indicating position on the waiver (e.g., support or oppose);
- (10) Student-athlete's academic status at the time of departure from the previous institution (e.g., good academic standing and progress-toward-degree requirements);
- (11) Student-athlete's anticipated graduation date from applicant institution; and
- (12) Other factors influencing the student-athlete's decision to transfer (e.g., playing time, coaching change, pursuit of different academic degree program).

4. Academics and athletics reasons.

- Guidelines for assertions of academics and athletics reasons.

During its January 2004 (reaffirmed in September 2015) meeting, the subcommittee directed staff to continue to review requests on a case-by-case basis for extenuating circumstances, which may warrant relief from the transfer legislation.

The subcommittee specifically noted that staff should continue to deny requests for transfers due to athletics reasons (e.g., coaching change) absent any other mitigation.

5. Education-impacting disabilities.

- a. Guidelines for assertions involving diagnosed education-impacting disabilities.

During the its October 2000 (reaffirmed in September 2015) meeting, the staff provided the subcommittee with an overview of cases processed where an education-impacting disability was included in the request. The staff informed the subcommittee that it has reviewed two main types of cases, one where the education-impacting disability resulted in the need for relief and another where the education-impacting disability is not a direct factor in the request for relief. The subcommittee adopted information standards for cases in which an education- impacting disability necessitates the need for a waiver. In its March

2014 meeting, the subcommittee updated the information standards for these types of waivers.

- b. Information standards for assertions involving diagnosed education-impacting disabilities.

The subcommittee adopted the following information standards for cases in which an education-impacting disability necessitates the need for a waiver:

- (1) The institution must submit a current, signed documentation of the diagnosis (including test data) and/or recommendations from the treating professional (e.g., medical doctor, clinical psychologist, other qualified individual). If specific circumstances of the case indicate that this requirement is unnecessary, a prior diagnosis may be acceptable. (Note: The staff or subcommittee 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, PTSD).
- (3) The institution must submit a written statement from the student-athlete that addresses the impact of the diagnosed disability on their 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.

- 6. 4-4-4 transfer student-athlete.

- During its September 2015 meeting, the subcommittee directed staff to approve waivers for a student who transfers from a four-year institution to another four-year institution and then to the certifying institution but does not satisfy an exception in Bylaw 14.5.5.1, only if the applicant institution is able to demonstrate that the student-athlete meets the following criteria:
  - (1) The student neither practiced nor competed in intercollegiate athletics at the most recent four-year institution;
  - (2) The student would have been both academically and athletically eligible at the most recent four-year institution but for an unfulfilled residence requirement; and
  - (3) The student would have been both academically and athletically eligible had they remained at the original four-year institution.

#### **Bylaw 14.7.1 Outside Competition – Directive.**

Men's Lacrosse: Minto Cup and Mann Cup.

During its October 2006 (reaffirmed in September 2015) meeting, the subcommittee determined that based on the extended history of the Canadian Minto Cup and Mann Cup (since 1901), the small number of student-athletes participating each year (four to six) and the amateur nature of the competition, relief via the waiver process could be provided as long as the student-athletes are missing no more than two days (i.e., 48 hours) of class and/or campus time (including weekends).

The subcommittee determined that minimizing the amount of missed-class time is consistent with the intent of the legislation and the overall principle that student-athletes should miss minimal class and/or campus time due to outside competition occurring during the regular academic year.

## Division III Bylaws 16 and 17

### **Bylaws 16.8.1.3 and 17.1.5.4 Coaching Activities with Student-Athletes in Preparation for Elite Competition – Directive.**

During its June 2017 teleconference, the subcommittee reviewed whether relief was appropriate to allow a coach to train their student-athlete(s) outside the playing and practice season in preparation for elite-level competition in which they have met the qualification standards (e.g., Olympic Trials, World Championship Trials, Paralympics Games). The subcommittee determined that based on the small number of student-athletes participating each year and the elite nature of the competition, relief via the waiver process could be provided so coaches can engage in coaching activities outside the playing season with student-athlete's participation in elite competition listed in Bylaw 16.8.1.3.

### **Bylaw 17 Institutions with Nontraditional Academic Calendars to Extend the Playing Season – Directive.**

During its September 2011 meeting, the subcommittee reviewed whether relief was appropriate in one-time or limited requests for institutions with nontraditional academic calendars to extend the playing season.

Because of the importance the Division III philosophy statement places on establishing reasonable limits to playing and practice seasons, one-time or limited requests for institutions with nontraditional academic calendars to extend the playing season should be denied. On appeal, the subcommittee, as opposed to staff, may review the circumstances on a case-by-case basis but is inclined to deny.