



**REPORT OF THE  
NCAA DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE  
March 1, 2024, EMAIL FEEDBACK**

**ACTION ITEMS.**

- None.

**INFORMATIONAL ITEMS.**

- **Amateurism Certification and Fact-Finding policies and procedures.** The Division III Interpretations and Legislation Committee reviewed and agreed with the recommendation by the Subcommittee for Amateurism Fact-Finding to approve the NCAA Eligibility Center's amateurism certification and amateurism fact-finding policies and procedures (see Attachment).

*Committee Chair:* Michael Mattia, Gettysburg College.  
*Staff Liaison(s):* Corey Berg, Academic and Membership Affairs  
Jeff Myers, Academic and Membership Affairs  
Becca Trovato, Academic and Membership Affairs  
Sarah Turner, Academic and Membership Affairs

Division III Interpretations and Legislation Committee March 1, 2024, Email Feedback	
Attendees:	
Kurt J. Beron, University of Texas at Dallas.	
Rachana Bhat, Claremont McKenna-Harvey Mudd-Scripps Colleges.	
Harry Dumay, Elms College	
Crystal Gibson, St. Mary's College of Maryland.	
Jack Langan, Cornell College. (SAAC representative)	
Bethany Marren, Rochester Institution of Technology.	
Michael A Mattia, Gettysburg College.	
Danielle O'Leary, William Peace University.	
Sarah Otey, Ohio Athletic Conference.	
Andrea R. Ricketts-Preston, Mount Holyoke College.	
Absentees:	
None.	
NCAA Staff Liaison (or Staff Support if subcommittee) in Attendance:	
Corey Berg, Jeff Myers, Becca Trovato and Sarah Turner.	
Other NCAA Staff Members in Attendance:	
None.	



**NCAA DIVISIONS I, II AND III  
AMATEURISM CERTIFICATION  
2024-25 POLICIES AND PROCEDURES**

## ADMINISTRATION

- 1. Overview.** Pursuant to NCAA Divisions I and II Bylaw 12.1.1.1 and Division III Bylaw 12.1.1.2 (international prospective student-athletes only), institutions must use the Eligibility Center to determine the validity of the information on which a PSA's amateur status is based. The amateurism certification process is governed by the policies and procedures set forth herein, as approved by the Division I Student-Athlete Experience Committee, Division II Legislation Committee (Legislative Review Subcommittee) and Division III Interpretations and Legislation Committee. Further, the amateurism certification process is implemented through staff's operational guidelines, which include the workflow and business practices for providing consistent, accurate and timely certifications per the policies and procedures.
- 2. Jurisdiction.** The Eligibility Center certifies compliance with NCAA amateurism legislation (and Bylaw 10.1-g) before initial full-time enrollment at a Division I, II or III (international PSAs only) institution. This certification is limited to activities that occur before the PSA's request for final amateurism certification or initial full-time enrollment at a Division I, II or III institution, whichever occurs earlier (Divisions I and II Bylaw 12.1.1.1.1; Division III Bylaw 12.1.1.2.1). However, if delayed-enrollment participation or a potential violation initially occurred before the PSA's request for final amateurism certification and related activities continued beyond the request (and before initial full-time enrollment), staff may review the matter in its entirety. Further, if staff identifies information that may indicate a potential institutional violation, it may refer the matter to NCAA enforcement or conduct a joint review.
- 3. Institutional Responsibility to Share Information and Report Discrepancies.** Divisions I, II and III (international PSAs only) institutions must promptly report (via the [Amateurism Inconsistency Notification Form](#)) to the Eligibility Center all discrepancies in information related to an amateurism certification and any additional information that may jeopardize a PSA's amateur status (Divisions I and II Bylaw 12.1.1.1.2.2; Division III Bylaw 12.1.1.3.2). Staff will evaluate the submission and determine whether to request additional information.
- 4. Conflict of Interest.** Staff members must avoid participating in any certification if a personal relationship or institutional affiliation reasonably may result in the appearance of partiality, or if they believe participation may impair or compromise the integrity of the certification. Staff members must promptly notify their supervisor upon identifying a conflict of interest.
- 5. Adherence to Policies and Procedures.** National office staff members, institutional staff members, PSAs and any other individuals or representatives participating in the amateurism certification process are required to participate in accordance with the policies and procedures.

## 6. Participation.

### a. Institutional Staff Members – Primary Contact.

- (1) An institution may designate a non-coaching staff member to serve as its primary contact for a PSA's amateurism certification, provided the individual does not have sport-specific responsibilities in the PSA's sport.
- (2) An institution's coaching staff member may serve as the institution's primary contact for a PSA's amateurism certification if their formal job responsibilities include compliance or administration and the PSA does not participate in the coach's sport (unless the coach is the institution's only compliance administrator).

**Note:** an institutional staff member may not advise, instruct or influence a PSA or other individuals (e.g., outside team official) to answer questions in a specific manner. Staff will refer any such conduct to NCAA enforcement.

### b. Representatives.

- (1) An institution may designate a non-staff representative in writing or by adding the individual to its list of Eligibility Center contacts. Unless stated otherwise, all provisions applicable to institutional staff members are applicable to the institution's representative for purposes of the amateurism certification process.
- (2) A PSA may designate a representative in writing or by providing the PSA's Eligibility Center credentials (i.e., email address and validation question and answer) to that individual. Unless stated otherwise, all provisions applicable to the PSA are applicable to the PSA's representative for purposes of the amateurism certification process. A PSA's representative is authorized to participate in the process to the same extent the PSA would be permitted to participate without a representative.
- (3) Any other individual or entity requested to provide information in conjunction with an amateurism certification may designate a representative in writing who is authorized to assist the individual to the extent of the individual's involvement in the process.

Representatives must comply with deadlines and encourage clients (e.g., institutional staff members, PSAs, third parties) to cooperate and participate in the amateurism certification process. Failure to do so may cause a delay in resolving the PSA's amateurism certification.

## CORE CERTIFICATIONS

7. **Purpose.** Core certification is a component of the amateurism certification process designed to address issues (e.g., delayed enrollment, prize money) that may generally be identified through self-reported information and standard research protocols.
8. **Selection.** A PSA may be selected for manual core certification review based on self-reported information to the Eligibility Center, information identified via research and/or the PSA's expected date of high school graduation. Selection for manual core certification review does not indicate a violation or delayed enrollment issue has been identified. Information may be shared with an institution, even if it does not warrant additional review.
9. **Assignment.** Core certifications are reviewed in the order they become ready to process.
  - a. A certification is preliminarily ready to process when a PSA is active on a current Institutional Request List and does not have any open amateurism-related tasks.
  - b. A certification is ready to process – final when the PSA is active on a current IRL, has requested final certification and does not have any open amateurism-related tasks.
  - c. An institution may request urgent review of any account that is ready to process – final. Urgent requests may be submitted via the membership portal, and staff will generally review urgent requests within two business days. To ensure reasonable service for all PSAs and institutions, staff may remove urgent status from an account, as appropriate (e.g., excessive or unnecessary requests).
  - d. When resources permit, staff may conduct a preliminary review of PSAs on a future IRL in the order of IRL activation and amateurism-related task closure.
10. **Processing.** The Eligibility Center's core certification team sends requests for information or documentation via tasks (sent through the PSA's Eligibility Center account), which are visible in the membership portal for all institutions that have the PSA on an active IRL.

## ESCALATED CERTIFICATIONS

11. **Purpose.** Certifications may be escalated to the Eligibility Center's amateurism review team if they involve complex issues that may not be effectively identified through self-reported information or require a higher level of membership interaction.
12. **Selection.** A PSA's certification may be escalated based on established triggers (see Section No. 13), which serve as a method for managing workflow and allocating resources. Escalation does not indicate a violation has been identified. Information may be shared with an institution, even if it does not warrant additional review.

**13. Triggers.** The following scenarios may be escalated to the Eligibility Center's amateurism review team:

- a. Payment based on place finish (prize money).
- b. Funding from an outside sponsor.
- c. Name, image and likeness (before July 1, 2021).
- d. Receipt of payment above expenses from an outside sports team.
- e. Competition with professionals (before initial full-time enrollment for men's ice hockey and skiing; after initial full-time enrollment for all sports).
- f. Player from top team plays down on PSA's reserve/amateur team (before initial full-time enrollment for men's ice hockey and skiing; after initial full-time enrollment for all sports).
- g. Reported or documented agent involvement (except a professional service provider) - sports other than baseball and men's ice hockey.
- h. Benefits received from an agent (except a professional service provider).
- i. National/international competition.
- j. Essential information from a third party is unobtainable.
- k. Other scenarios identified on a case-by-case basis.

**14. Process.** Staff will manage escalations, as follows:

- a. Assessment/Information Sharing. After a PSA's certification has been escalated, staff will contact the institution to discuss the potential issues or concerns. In addition, staff will share relevant information and/or documentation with the institution via the PSA's Eligibility Center account or a secure custodial website.
- b. Fact Gathering. If staff determines additional fact gathering is necessary, it will request additional information and/or documentation. The institution has discretion to determine its role in fact gathering. At any point, staff may request any additional information or documentation.

The PSA's amateurism certification will remain under review until all fact gathering has concluded and all requests (including any additional requests for information and/or documentation) have been completely fulfilled.

- c. Resolution. Before rendering a final amateurism certification decision for an escalation, staff may request a factual determination by the applicable division's fact-finding committee (i.e., conflicting documentation regarding an essential fact), seek an interpretation and/or require institutional acknowledgement (via signatures from the senior compliance administrator and athletics director) of a memorandum that specifies outstanding concerns (another institution may be required to acknowledge a memorandum if the PSA transfers).

## METHODS AND STANDARDS

**15. Information Standards.** Staff considers information that is reasonably available and relevant to a PSA's amateurism certification. All references to information in the policies and procedures also encompass documentation.

- a. Relevance. Staff determines which facts are relevant to a PSA's amateurism certification.
- b. Documentation. Contemporaneous information and/or documentation (e.g., contracts, financial records, box scores, receipts, social media, articles) is weighed most heavily and should be provided whenever possible to establish facts and validate information related to a PSA's amateurism certification.
- c. Self-Reported Information and Initial Responses. In the absence of contemporaneous documentation, initial self-reported information and initial responses received as part of the amateurism certification process are weighed most heavily.
- d. Authentication. Information (e.g., documents, contracts) put forth in a certification is presumed authentic if it reasonably appears to be what it represents. If an assertion related to authenticity is produced to rebut that initial presumption, the information may be considered only if the authenticity of the assertion can be corroborated with contemporaneous documentation (e.g., club financial records).

For example, if (a) league regulations require players to sign contracts or (b) contemporaneous information (e.g., articles, social media) indicates that a PSA signed a contract with a professional team, the contract must be provided before finalizing the PSA's certification, unless the team no longer exists or provides contemporaneous documentation (e.g., financial records) showing all players under contract during the applicable time.

- e. Source Information. Staff may consider any source information (e.g., anonymous, confidential) as part of an amateurism certification.

## **16. Information Gathering.**

- a. Approved Methods. The following methods may be used to gather information:
  - (1) Information submitted via the Eligibility Center registration process.

- (2) Communication with the PSA, institution or any party that may have relevant information associated with a certification.
  - (3) Research (e.g., media websites, social media, articles, publicly available information, subscription-based publications and services, public records).
  - (4) Interviews.
  - (5) Documents and records requests (e.g., contracts, receipts, financial records, tax returns, legal documents, phone records).
  - (6) Information developed, gathered or received via the amateurism certification process.
  - (7) Information from other Eligibility Center units or national office departments.
  - (8) Information from other processes or proceedings (e.g., court of law, government agency, accrediting body, high school athletic association, NCAA process).
  - (9) Information from sources (e.g., confidential, anonymous).
  - (10) Other methods, as approved by the director of academic and amateurism review, on a case-by-case basis.
- b. Representation of Identity. Staff members must accurately identify their NCAA affiliation when seeking information from an individual in connection with a certification. Email communication must be conducted using an ncaa.org email address.
  - c. Information from Online Sources. Staff may not use deception or other unauthorized means to access any online system or account.
  - d. Requests for Information/Documentation. When requesting information or documentation that is reasonably within a PSA's influence or control, staff may establish a reasonable deadline by which to respond.

**17. Interviews.** Staff has discretion regarding whether to conduct interviews, as necessary.

- a. Methods. Interviews may be conducted by phone, videoconference or in person. All circumstances must be evaluated in determining the appropriate interview method.
- b. Scheduling. Staff and the institution must exercise reasonable efforts to conduct interviews collaboratively when a PSA, institutional staff member or a PSA's family member(s) are involved. Circumstances that may preclude joint participation in an interview include, but are not limited to, scheduling conflicts, an individual not being within the jurisdiction of any NCAA process, issues involving multiple PSAs at more than one institution, interviews conducted for background information on a matter ancillary to a particular PSA's amateur status or interviews conducted to validate previous information.



- c. Locations. Interviews may be conducted at any location agreeable to participating parties.
- d. Notice. All interviewees who are subject to Bylaw 10.1 (prospective or current student-athletes, current or former institutional staff members) must send staff a signed interview notice before the interview.
- e. Statement of Confidentiality. All individuals who attend or participate in an interview must send staff a signed Statement of Confidentiality before the interview.
- f. Recordings. It is preferred (but not required) to record interviews. Any individual who is recording an interview must provide notice on the record to other participants.
  - (1) Notification of Start and End of Recording. At the start of a recorded interview, staff must request confirmation on the record that the interviewee understands the interview is being recorded and must obtain voice identification from all parties present for the interview. At the completion of the interview, staff must indicate the point at which the recording has stopped.
  - (2) Maintaining an Accurate Record. The parties must seek to maintain an accurate record throughout a recorded interview (e.g., identifying nonverbal communication, using exhibits, passing notes, reading from supplements or other assistance).
  - (3) Transcription. After a recorded interview, staff may request a transcription. If an interview is transcribed, all individuals who attended or participated in the recorded interview may receive a copy of the interview transcript through a secure custodial website. If the interview is not transcribed, all parties who attended or participated in the recorded interview may receive a copy of the interview recording through a secure custodial website. Staff has discretion to share a redacted interview transcript.
- g. Non-Recorded Interviews. If the interviewee objects to being recorded, the recording device malfunctions, or staff believes using a recording device would inhibit the interview, staff must prepare a written summary (within five business days) regarding the substance of the interview and attempt to obtain confirmation from the interviewee. The interviewee will be permitted to make non-substantive corrections to the written summary before affirming its accuracy. If an interviewee requests to make additions or corrections that materially alter the substance of the written summary, the new information must be treated as a separate interview. Information from a non-recorded interview which was not affirmed by the interviewee may be considered by the applicable fact-finding authority to the extent the information is deemed reliable. A copy of the non-recorded interview summary must be provided, on request, to any individual who participated in the interview and signed a confidentiality agreement.

- h. Participants. To encourage candid discussion, minimize undue stress for the interviewee and preserve confidentiality, attendance will be limited to the interviewee, the interviewee's representative (if applicable), an individual from the institution's compliance office and the institution's representative (if applicable). An institution's coach is precluded from participating unless that individual is being interviewed.

  - (1) Information Related to PSAs at Another Institution. The institution's representatives must be excused from any portion of an interview that relates to a PSA who attends or has committed to another institution.
  - (2) Parents or Legal Guardians. If an interviewee is a minor, the interviewee's parent or legal guardian may also be present during the interview. However, staff may determine the order and timing of interviews if the parent or legal guardian will also be interviewed.
  - (3) Roles of Interview Participants. The interviewee is expected to respond to any questions reasonably related to the matter(s) or inquiry. Another individual may not respond for the interviewee or otherwise interfere with the interview process. Objections may be noted for the record but will not be adjudicated during the interview. Any participant who unreasonably impedes the interview may be precluded from participating.
- i. Notice Requirements. The following notifications must be provided, orally or in writing, to a PSA at the start of the interview or in advance of the interview.

  - (1) Interview Purpose. To determine whether the PSA has knowledge of or has been involved in any violation of NCAA amateurism legislation.
  - (2) Complete and Accurate Information. The PSA has an obligation, per NCAA legislation, to provide complete and accurate information. Refusing to provide information or providing false or misleading information may jeopardize the PSA's eligibility.
  - (3) Confidentiality. The information discussed during the interview is confidential. Failure to maintain confidentiality may jeopardize the PSA's eligibility.

During a joint interview with another NCAA unit or department, Eligibility Center staff is not required to repeat information that has already been communicated to the interviewee.
- j. Notes Taken During an Interview. Any individual participating in an interview may take notes during the interview. These notes constitute the individual's personal impressions, and there is no obligation to disclose such notes to any other party.

## RESOLVING THE CERTIFICATION

- 18. Factual Determinations.** Staff will evaluate available information and determine relevant facts (agreement with the institution and/or PSA is not required) on which to base the final amateurism certification decision. Any information and/or documentation submitted, gathered or received may be considered. However, if conflicting documentation regarding an essential fact precludes staff from issuing a final certification, staff may request a factual determination by the applicable fact-finding committee for the division.
- 19. Preliminary Certification Decision.** Staff may post the following designation to reflect its assessment of the PSA's preliminary certification status:
- Preliminary Reviewed. The PSA's certification has been preliminarily reviewed and more information may be requested once the PSA requests final amateurism certification.
- 20. Final Certification Decision.** A PSA's account will remain under review until staff determines all fact gathering has concluded and all requests, including any additional requests for information and/or documentation, have been completely fulfilled. Thereafter, staff will post one of the following designations to reflect its assessment of the PSA's final certification:
- a. Final Certified. Staff has completed its review. Based on available information, the PSA is certified for competition.
  - b. Final Certified with Conditions. Staff has completed its review and determined that due to organized competition during a PSA's delay period, the PSA is subject to games withheld, seasons charged and/or a year in residence.
  - c. Final Not Certified. Staff has completed its review and determined an amateurism violation occurred. The PSA may not compete until eligibility has been reinstated.
  - d. Not Applicable. Staff has determined it is unnecessary to provide a certification decision for the specified division.
- 21. Review Summary.** If staff determines a delayed enrollment condition applies or an amateurism violation occurred, it will post a review summary (when the PSA's final amateurism certification decision is released) that includes relevant facts.
- a. Delayed Enrollment. If staff determines a PSA is subject to delayed-enrollment legislation, a certification decision will be posted based on the applicable legislative condition (or as amended by guidelines for the [Division I Council Approved Review Process](#) or the [Division II Streamlined Review Process](#)).
  - b. Amateurism Violation. If staff determines an amateurism violation occurred, a Final Not Certified decision will be posted. A member institution may request student-athlete reinstatement via Requests/Self-Reports Online.

**22. Reconsideration Requests.** The institution may request reconsideration of a final amateurism certification decision (via the [Decision Inquiry Process](#)) based on new relevant information (supported by contemporaneous documentation) that was not reasonably available to any involved individual at the time of the previous certification decision (threshold). The reconsideration request must include a decision inquiry form (obtained via Eligibility Center customer service), a statement on letterhead that explains why the institution believes the information meets the threshold and supporting contemporaneous documentation.

Staff has discretion to determine whether the institution's reconsideration request meets the threshold (new assertions or incomplete submissions may require further inquiry). If so, staff will validate the new information, review any facts that may be affected and reevaluate the certification. If not, staff will deny the reconsideration request.

Staff will convey its determination within five business days of receiving a complete decision inquiry submission, including any additional requested information or documentation, and an informational task will be added to the PSA's account.

**23. Fact-Finding Requests.** The institution has 30 calendar days after a review summary has been posted to the PSA's account (or a custodial website) to provide written notice of its intent to seek a factual determination by the applicable fact-finding committee for the division (see [2024-25 Amateurism Fact-Finding Policies and Procedures](#)). By requesting an interpretation (or joint interpretation), submitting a waiver or seeking student-athlete reinstatement, the institution acknowledges agreement with the facts in the posted review summary and is precluded from seeking a factual determination.

**24. Legislative Application.** Staff will apply the legislation to the facts and issue a final amateurism certification decision. If there is an outstanding interpretive issue, staff may post a review summary to the PSA's account (or a custodial website) and submit an interpretation (or joint interpretation) before releasing the PSA's final amateurism certification.

- a. **Interpretation Requests.** If an institution disagrees with staff's legislative application, it may submit an interpretation request (via RSRO) to the academic and membership affairs staff. The interpretation request should include the PSA's NCAA ID number and be based on information determined by the Eligibility Center (e.g., per the review summary) or the applicable fact-finding authority.
- b. **Interpretation Appeals.** An institution may appeal an interpretation in accordance with the established policies and procedures for the applicable division. The appeal should be based on information determined by the Eligibility Center (e.g., per the review summary) or the applicable fact-finding authority.

## **25. Seeking Relief after Final Certification.**

- a. Student-Athlete Reinstatement Requests. If a PSA has been Final Not Certified, an institution may submit a student-athlete reinstatement request (via RSRO) to the academic and membership affairs staff. Decisions regarding certification conditions will be made in accordance with the applicable committee's policies and procedures for the division.
- b. Legislative Relief Waivers. If a PSA has been certified with a delayed-enrollment condition, an institution may submit a legislative relief waiver (via RSRO) to the academic and membership affairs staff. Decisions regarding certification conditions will be made in accordance with the applicable committee's policies and procedures for the division.
- c. Waiver and Reinstatement Decision Appeals. An institution may appeal a legislative relief waiver or student-athlete reinstatement decision in accordance with the applicable committee's policies and procedures for the division.

**26. Reevaluation After Final Certification.** If the Eligibility Center receives information regarding activities that may have occurred before the PSA's request for amateurism certification or initial full-time enrollment at a Division I, II or III institution, whichever occurred earlier, staff may reopen an amateurism certification, provided the information was not disclosed or reported to the Eligibility Center during the PSA's certification. This includes, but is not limited to, additional participation identified via the Decision Inquiry Process or additional information that has been added to a PSA's account after it has been unlocked.

If staff re-opens a review, the PSA's certification decision will be changed to Pending Review until the review process concludes.

**27. Released Error Policy.** In the amateurism certification process, the Eligibility Center may apply its [Released Error Policy](#).

## **MAINTAINING AND RETAINING INFORMATION**

**28. Confidentiality.** Staff must maintain confidentiality in all amateurism certifications.

- a. Public Announcements.
  - (1) Any public inquiries must be directed to the Eligibility Center's managing director of external affairs, who may facilitate a response in accordance with national office and department policies.
  - (2) If the institution, PSA or an involved individual comments publicly regarding an amateurism certification, staff may confirm such information and/or address erroneous or incomplete information.

- b. Recordings or Documents. Staff must treat any recordings or documents (e.g., transcripts, interview summaries) prepared during a certification as confidential. Such documents may only be shared in accordance with the policies and procedures or as required by law.
- c. Confidential Sources. To the extent permissible under law, staff must protect the identity of any confidential source. If legal action requires staff to disclose the identity of a source, the NCAA will exercise every option to limit the scope and audience of that disclosure.

Any information and/or documentation obtained as part of an amateurism review may be shared with other national office staff members (e.g., enforcement) or as required by law.

**29. Responsibility to Maintain Information.** Staff maintains relevant information from a review (e.g., recorded interviews, interview summaries) in the Eligibility Center case management system or other designated location.

- a. Exclusions. Personal notes, impressions, confidential source information and internal communications are not considered part of the case file.
- b. Information Related to Multiple Reviews. Independent research, source information, interview summaries (or transcripts) or other documentation that may relate to one or more certifications is not considered part of the case file until such information is determined to reasonably relate to a particular certification, at which time such information must be modified as reasonably necessary to maintain the privacy of PSAs or other individuals whose circumstances are not related directly to the current review.
- c. Document Retention. Staff must follow the national office document retention policy.

**30. Communication and Information Sharing.**

- a. Information Sharing. There may be rare instances when staff has information that, if shared immediately with the involved institution or PSA, could compromise the integrity of the certification, even without malicious intent to do so. In those instances, and after consulting with the director of academic and amateurism review, staff must inform the involved institution that such information will be shared in a timely manner after concluding that disclosure will not materially jeopardize the review.
- b. Communication with Compliance Administrators. Staff will direct inquiries regarding a PSA's amateurism certification to the institution's athletics compliance office (coaches may not be involved in conversations with staff related to amateurism certifications unless they are the institution's primary contact [see Section 6-a-2]); however, it also may request information directly from the PSA, who should work closely with the athletics compliance office. If the PSA appears on multiple active IRLs but has not signed a National Letter of Intent, staff will ask the PSA to designate an institution for their certification.

- c. Confidentiality. All individuals who participate in a PSA's amateurism certification must treat all information and documentation (e.g., records, transcripts) as confidential.
- d. Communication with Other Member Institutions. Staff may not share information with a member institution regarding an amateurism certification unless the involved PSA is active on the institution's IRL and is not enrolled at another institution. However, staff may communicate information that has been sufficiently redacted or aggregated to support the governance process or serve as a resource for the amateurism certification process.

### **31. Secure Custodial Website.**

- a. Identifying Sensitive Information. Staff may use a secure custodial website if a certification involves sensitive information (e.g., financial records, interview recordings) or upon request by an institution, PSA or third party.
- b. Accessing a Secure Custodial Website. Upon receiving a signed web custodial agreement, staff may provide secure custodial website access, as appropriate (see Section 6).

## **OTHER CERTIFICATION CONSIDERATIONS**

**32. Reporting Legal or Well-Being Concerns.** Legal or well-being concerns identified during a certification may be shared with the institution and/or the NCAA's office of legal affairs, which may disclose such information to applicable entities, to the extent permissible by law.

**33. Non-Certification Statuses.** Staff may post one of the following designations to reflect the status of a review before completing the certification process:

- a. Pending Review. The PSA's certification is under review. This includes, but is not limited to, a certification in which all fact gathering has not concluded and all requests (per initial requests and any additional requests for information and/or documentation) have not been completely fulfilled.
- b. Preliminary Reviewed. The PSA's certification has been preliminarily reviewed and more information may be requested once the PSA requests final amateurism certification.
- c. Incomplete Web Entry. The PSA has not completed registration for one or more sports.

**34. Date of High School Graduation.** For Divisions I and II, a PSA's expected date of high school graduation (provided by the Eligibility Center's academic certification staff) must be used in the amateurism certification process. For Division III, a PSA's actual date of high school graduation must be used in the amateurism certification process.

- a. Questions Regarding Graduation Date Determination. An institution should direct any questions regarding a PSA's actual or expected date of high school graduation to the Eligibility Center's customer service staff.

- b. Change in Graduation Date Determination. If a PSA's actual or expected date of high school graduation changes after the amateurism certification decision has been issued, staff will reevaluate the certification based on the new information, provided the PSA or institution did not previously submit a high school graduation date disclaimer.
- c. Unobtainable Documentation. In the rare circumstance in which documentation necessary to establish the actual or expected date of high school graduation is unobtainable, the PSA or institution may submit a [high school graduation date disclaimer](#) authorizing staff to issue a certification based on available information (i.e., a preliminary graduation date or no graduation date). A high school graduation date disclaimer may result in a Final Not Certified decision.

**35. Initial Full-Time Collegiate Enrollment.** When a PSA's initial full-time collegiate enrollment is relevant to the certification decision, staff may require a [matriculation letter](#) from the involved institution(s). Absent conflicting documentation (e.g., two or more matriculation letters reflect contradictory information), staff defers to the matriculation letter for determining whether a PSA has previously enrolled full-time at a collegiate institution (and the initial date of full-time enrollment).

If an international school does not distinguish between full- and part-time enrollment, or if it considers all students to be full time regardless of the credit hours attempted in a term, the institution may request an [advisory opinion](#) from the NCAA International Student Records Committee regarding whether a PSA enrolled in a minimum, full-time program of studies in any quarter or semester of an academic year at an international institution.

**36. Evaluating Compensation from a Professional Team.** In evaluating compensation from a professional team, staff will identify payments (e.g., salary, stipend) and benefits (e.g., lodging, meals, transportation), which are generally specified in the contract. Payments will be valued using the initial currency, and benefits may be valued using (a) the amount(s) provided by the professional team (if supported by contemporaneous documentation) or (b) the average household expenditure in the professional team's locale (in the absence of contemporaneous documentation from the professional team). After identifying applicable values, a monthly amount may be calculated by (a) dividing total compensation by 12 if the contract applies to a season or year (calendar or 12-month period), or (b) dividing total compensation by the timeframe specified in the contract (if the duration is less than a season or year).

Thereafter, contemporaneously documented actual and necessary expenses (e.g., receipts, bank statements) or average household expenses in the professional team's locale (using the expenditure database), whichever total amount is greater, may be used to determine whether compensation exceeded the PSA's actual and necessary expenses. Further, this approach may also apply to individual categories of actual and necessary expenses (e.g., lodging) if the PSA's contemporaneously documented expenses exceed applicable average household expenses for the category (the application is limited to the timeframe for which contemporaneously documented expenses are provided).



The value(s) used for the average household expenses in the professional team's locale is generally based on official statistical data from the country's ministry (e.g., U.S. Bureau of Labor Statistics) and may not be disputed to the fact-finding committee for the applicable division. This policy also applies to agreements involving future earnings.

- 37. Post-Enrollment Competition with Professionals.** To determine whether a PSA has participated on a professional team after full-time collegiate enrollment, staff compares the team's highest-paid player to an average household in the team's locale. If privacy laws prohibit the team from sharing its highest-paid player's compensation, staff attempts to make a reasonable determination based on its knowledge of the club and league. If staff cannot make a reasonable determination, it provides the PSA's institution all available information and issues a final amateurism certification, noting that if new information becomes available, the PSA's certification may be reevaluated.
- 38. Currency.** Compensation and benefits must be evaluated in the currency in which they were originally received. Thereafter, such values may be converted to U.S. dollars using the most recent exchange rates available on [www.xe.com](http://www.xe.com).
- 39. Low-Level and Minimally Organized Competition.** For Division I, the delayed-enrollment exception related to low-level and minimally organized competition applies rarely and includes events such as a Turkey Trot.

#### BYLAW 10.1 PROCEDURES – UNETHICAL CONDUCT

- 40. Definition.** Unethical conduct (Bylaw 10.1) by a PSA may include, but is not limited to, failure to provide complete and accurate information to the NCAA, the NCAA Eligibility Center or an institution's athletics department regarding their amateur status.
- 41. Notice Regarding Bylaw 10.1.** As part of Eligibility Center registration, as well as before any interview, a PSA receives notice of the obligation to provide complete and accurate information and that failure to do so may jeopardize the individual's NCAA eligibility.
- 42. Bylaw 10.1 Violations.** Staff may determine whether the PSA failed to provide complete and accurate information regarding their amateur status. This may include, but is not limited to, providing false information (in response to questions and/or document requests during an escalated certification) that materially impacts the PSA's certification and is subsequently contradicted by contemporaneous documentation. If a 10.1 violation is included in the PSA's review summary, the institution may seek an interpretation, similar to any other legislative application. Staff may refer the matter to enforcement if it identifies information that may indicate a potential institutional violation of Bylaw 10.1.



## RELEASED CERTIFICATION ERROR POLICY

**Policy:** When inaccurate information is identified in a prospective student-athlete's released preliminary or final certification, the NCAA Eligibility Center (EC) will correct the released certification, document the previously released error and provide notice in the PSA's account. The EC may consider the error in the waiver process.

**Rationale:** Accuracy, accountability and fairness.

**Scope:** Released preliminary and final certifications (academic and amateurism), as follows:

- » Certification decisions and automatic waivers.
- » Academic year.
- » EC graduation date (expected [Divisions I and II] or actual [Division III]).
- » Course, grade or credit.
  - For high school accounts, inaccurate high school account information (i.e., list of NCAA-approved core courses; school or program status; additional information field) will stay in the account through the remainder of the academic year in which the inaccurate information was released. For high schools that do not operate on a traditional academic calendar, programs and courses will be honored for students with an enrollment date prior to and including the date when the inaccurate information was corrected.

**Exceptions:** This policy does not apply if (a) the EC receives new information that raises validity concerns regarding the information or documentation used for a certification, or (b) an administrative error occurs after the case manager for a waiver or certification has provided verbal or written notice to an institution regarding a decision.

**Note:** *the EC's application of this policy is not subject to further review by any other authority.*

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### \*Related NCAA Bylaws

**Sharing Information and Reporting Discrepancies (Divisions I and II Bylaw 12.1.1.1.2.2; Division III Bylaw 12.1.1.3.2).** If an institution receives additional information or otherwise has cause to believe that a prospective student-athlete's amateur status has been jeopardized, the institution is responsible for promptly notifying the Eligibility Center of such information. Further, an institution is responsible for promptly reporting to the Eligibility Center all discrepancies in information related to a student-athlete's amateurism certification.

**Institutional Responsibility (Division I Bylaw 14.1.2.3.1 and II Bylaw 14.1.2.4.1).** An institution is responsible for promptly reporting all discrepancies in information used in a student-athlete's initial-eligibility certification to the Eligibility Center. Discrepancies in information include, but are not limited to, corrections, additions, potential academic misconduct with regard to high schools attended, grades or completion of coursework.



**NCAA DIVISION I  
PREENROLLMENT AMATEURISM  
CERTIFICATION COMMITTEE**

**NCAA DIVISION II  
LEGISLATION COMMITTEE  
LEGISLATIVE REVIEW SUBCOMMITTEE**

**NCAA DIVISION III  
INTERPRETATIONS AND LEGISLATION COMMITTEE  
SUBCOMMITTEE FOR AMATEURISM FACT-FINDING**

**2024-25 AMATEURISM FACT-FINDING  
POLICIES AND PROCEDURES**

**1. Legislated Duties.** The NCAA Division I Preenrollment Amateurism Certification Committee (Division I Bylaw 21.10.6.8.1), Division II Legislation Committee Legislative Review Subcommittee (Division II Bylaw 21.8.5.6.2) and Division III Interpretations and Legislation Committee Subcommittee for Amateurism Fact-Finding (Bylaw 21.9.5.8.2 [international prospective student-athletes only]) shall be responsible for making a determination of facts related to a PSA's amateurism certification, per the policies and procedures set forth herein.

**2. Responsibilities.**

- a. Develop policies and procedures regarding the amateurism fact-finding process.
- b. Determine fact-finding requests related to a PSA's amateurism certification.
  - Adhere to amateurism fact-finding policies and procedures.
- c. Provide annual fact-finding statistics to the Division I Student-Athlete Experience Committee, Division II Legislation Committee and Division III Interpretations and Legislation Committee.

**3. Composition and Reporting Lines.** The Division I Preenrollment Amateurism Certification Committee consists of seven members (Division I Bylaw 21.10.6.8.1.1), including four members from autonomy conferences (Division I Bylaw 9.2.2.1.1) and one member of the Student-Athlete Advisory Committee. The committee reports to the Division I Student-Athlete Experience Committee, which approves amateurism fact-finding policies and procedures.

The Division II Legislative Review Subcommittee consists of five members from the Division II Legislation Committee, and the Division II Management Council approves amateurism fact-finding policies and procedures.

The Division III Subcommittee for Amateurism Fact-Finding consists of five members from the Division III Interpretations and Legislation Committee, which approves amateurism fact-finding policies and procedures.

**4. Terms.** Division I Preenrollment Amateurism Certification Committee members are appointed to one four-year term, which generally commences on September 1 after appointment. A committee member may be appointed to an additional term after three years have elapsed. An individual who has served two terms on the committee may not serve further. Service on the Division II Legislative Review Subcommittee runs concurrently with Division II Legislation Committee terms. Service on the Division III Subcommittee for Amateurism Fact-Finding runs concurrently with Division III Interpretations and Legislation Committee terms.

**5. Resignation.** If a committee member resigns, the individual must provide written notice to the staff liaison. Thereafter, procedures to solicit a new member will be initiated, and a new committee member will be appointed.

**6. Chair Selection.** The staff liaison solicits nominations from committee members, and the committee appoints a chair and vice chair based on majority vote. The committee chair and vice chair serve in such capacity for the remainder of each individual's term.

**7. Duties.**

**a. Chair.**

- (1) Review materials before each videoconference.
- (2) Conduct committee videoconferences (e.g., identify conflicts of interest, lead discussion and deliberation).
- (3) Determine whether to hear a fact-finding request submitted after the deadline.
- (4) Provide notice of inability to participate in a videoconference.
- (5) Recuse from fact-finding requests, as appropriate (e.g., conflict of interest).
- (6) Adhere to policies and procedures.

**Note:** The vice chair may assume such duties if the chair is unavailable or has a conflict of interest.

**b. Committee members.**

- (1) Review materials before each videoconference.
- (2) Participate in all videoconferences.
- (3) Provide notice of inability to participate in a videoconference.
- (4) Recuse from fact-finding requests, as appropriate (e.g., conflict of interest).

**Note:** Student-athlete members may not participate in making a determination of facts.

- (5) Adhere to policies and procedures.

**c. NCAA staff.**

- (1) Review and process amateurism certifications.
- (2) Provide complete materials for fact-finding requests.

(3) Objectively present information related to fact-finding requests.

(4) Notify the institution of the fact-finding determination.

**8. Authority.** The committee only has authority to make factual determinations related to a PSA's amateurism certification, per the policies and procedures set forth herein. Accordingly, it may not interpret legislation, determine whether a violation occurred, issue or waive amateurism certification conditions, certify the PSA's amateur status or amend the PSA's review summary outside the scope of the fact-finding request.

**9. Fact-Finding Requests.**

- a. Precluded.** By requesting an interpretation (or seeking a joint interpretation), submitting a legislative relief waiver or seeking student-athlete reinstatement, the institution acknowledges agreement with the facts in the review summary and is precluded from submitting a fact-finding request. In addition, a PSA's expected date of high school graduation (determined by the Eligibility Center), the expense methodology used to evaluate benefits from a professional team, relevance, editorial revisions, additional facts, context and/or mitigation may not be the subject of a fact-finding request.
- b. Permitted.** An institution may request fact finding if it disagrees with one or more facts specified in the PSA's posted amateurism review summary (one fact-finding request may be submitted per posted review summary). Staff may request a factual determination if there is conflicting documentation regarding an essential fact that would preclude a final amateurism certification from being issued.
- c. Timing.** The institution has 30 calendar days after a review summary has been posted to the PSA's Eligibility Center account (or a custodial site) to provide written notice of its intent to seek a factual determination. A fact-finding request submitted after 30 calendar days must include a letter of explanation, and the chair has discretion to determine whether the request will be heard. If the chair has a conflict of interest or is unavailable, the vice chair (or the remaining committee members by majority vote if the vice chair has a conflict of interest or is unavailable) shall determine whether to hear such a request.

Staff may request a factual determination at any time if conflicting documentation regarding an essential fact precludes a final amateurism certification from being issued.

- d. Written Notice – Intent to Seek Factual Determination.** The institution may initiate a fact-finding request by providing written notice to the committee's staff liaison. Such notice must identify the specific fact(s) at issue in the posted review summary (one fact-finding request may be submitted per posted review summary).

Staff may initiate a fact-finding request by providing written notice to the institution's primary contact for the PSA's amateurism certification. Such notice must specify the conflicting documentation and the essential fact(s) at issue.

- e. **Request Form.** After written notice has been provided, staff will complete the Amateurism Fact-Finding Request Form and send it to the institution, which must provide required signatures (athletics director, senior compliance administrator and PSA) on the Form and submit written statements from the institution and the PSA. The institution may also submit information and/or documentation that has been provided to the Eligibility Center as part of the PSA's amateurism certification. If new information and/or documentation is submitted, the fact-finding process is tabled, and the information and/or documentation will be reviewed in accordance with the amateurism certification policies and procedures.

The Amateurism Fact-Finding Request Form must also specify whether the institution and PSA elect to participate on the fact-finding videoconference. If so, each must identify one representative who may present to the committee (the institution's representative must be an institutional employee or a non-staff representative retained by the institution).

- f. **Scheduling.** After the committee's staff liaison has received a complete Amateurism Fact-Finding Request Form, the materials will be posted on a secure website. The applicable fact-finding committee for the division will review the request during its next regularly scheduled videoconference, as follows:

Committee	Videoconference	Submission Deadline (EST)
Division I Preenrollment Amateurism Certification Committee	Thursday (Biweekly)	Prior Thursday (3 p.m.)
Division II Legislation Committee Legislative Review Subcommittee	Tuesday (Monthly)	Prior Tuesday (3 p.m.)
Division III Interpretations and Legislation Committee Subcommittee for Amateurism Fact-Finding	Thursday (Biweekly)	Prior Thursday (3 p.m.)

## 10. Fact-Finding Videoconferences.

- a. **Participants.** Attendance will be limited to the PSA, the PSA's designated representative (if applicable), an individual from the institution's compliance office, the institution's representative (if applicable), committee members and NCAA staff.
- b. **Conflicts/Quorum.** At the beginning of the videoconference, the committee chair must identify any conflicts of interest and ensure minimum quorum requirements (over half of voting committee members) are met. The committee's staff liaison will permit the institution, PSA and representatives to join the videoconference once the committee chair has called the institution's fact-finding request.

- c. **Presentations/Questions.** The committee chair provides 10 minutes for the staff to present to the committee, followed by 10 minutes for the institution and/or PSA's designated representatives to present to the committee (such representatives may allocate the 10 minutes between them). The committee chair may end a presentation or the videoconference at any time if new information and/or documentation is presented.

After presentations, the committee may ask questions to the designated representatives and/or the PSA. When the committee has obtained all information necessary for deliberation, the committee chair will direct all participants except the committee's staff liaison to depart from the videoconference.

- d. **Deliberation.** The committee chair will lead the deliberation, during which the staff liaison may answer procedural questions. The committee may not consider or discuss any information or documentation outside of the posted materials and the information presented on the videoconference. Also, it may not consider or discuss potential interpretations or outcomes (e.g., violations, penalties) based on its factual determination(s).

The committee may decline to proceed with a vote if it believes missing information or documentation is essential and should reasonably be provided.

- e. **Decision.** Factual requests are decided by majority vote of all committee members present and voting. Committee voting is private (specific votes and vote counts will not be shared).
- f. **Communication/Certification.** After the committee renders a decision, staff provides the decision to the institution as soon as reasonably possible. The committee's factual determination shall be used, along with all other facts in the review summary, as the basis for completing the PSA's amateurism certification.

- 11. **Reconsiderations.** The institution may request reconsideration after the committee's fact-finding determination (via the Decision Inquiry Process) based on new relevant information (supported by contemporaneous documentation) that was not reasonably available to any involved individual at the time of the previous fact-finding determination (threshold). The reconsideration request must include a decision inquiry form (obtained via the committee's staff liaison), a statement on letterhead that explains why the institution believes the information meets the threshold and supporting documentation.

Staff has discretion to determine whether the institution's reconsideration request meets the threshold and may consult the committee chair as part of its review. If the request meets the threshold, staff will validate the new information, review any facts that may be affected and reevaluate the certification. If the review summary is updated, the institution has 30 calendar days (after it has been reposted) to request fact finding regarding the updated facts in the review summary.



- 12. Appeals.** The Division I Preenrollment Amateurism Certification Committee's factual determination shall be final, binding and conclusive and shall not be subject to further review by any other authority (Division I Bylaw 21.10.6.8.1.3).

The Division II Legislative Review Subcommittee's factual determination may be appealed to the Division II Management Council Subcommittee.

The Division III Subcommittee for Amateurism Fact-Finding's factual determination shall be final, binding and conclusive and shall not be subject to further review by any other authority.

- 13. Conflict of Interest.** The NCAA is a voluntary Association comprised of colleges, universities, conferences and other organizations, and 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. When considering disclosures, keep in mind those may result in an "excess benefit transaction" under Section 4958 of the Internal Revenue Code of 1986, as amended (the "Code") or other tax or other laws that may apply.

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/she may have hereunder and should recuse him/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.

- 14. Confidentiality.** Committee members may not communicate any information regarding a specific fact-finding request to anyone other than NCAA staff or other committee members. This includes, but is not limited to, communication with institutional staff members or non-staff representatives. Also, fact-finding videoconferences may not be recorded.

Staff must maintain confidentiality in all fact-finding requests. However, if the institution, PSA or an involved individual comments publicly, staff may confirm such information and/or address erroneous or incomplete information.

Any information and/or documentation submitted as part of a fact-finding request may be shared with other national office staff members (e.g., enforcement).

- 15. Speaking Agent.** 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.