



Regional Rules

Division I: Financial Aid – Intermediate

Navigating Retroactive Financial Aid



Regional Rules

NCAA Bylaw 15.3.1 – Retroactive Financial Aid

- Institutional financial aid awarded to an enrolled student-athlete after the first day of classes in any term may be made retroactive to the beginning of that academic year.

Scenario 1

Facts:

- Institution would like to award a current nonscholarship student-athlete aid during the middle of the spring semester.
- May the institution award financial aid to the student-athlete retroactively to the beginning of the spring semester?

Scenario 1

Analysis:

- Institution should review Bylaw 15.3.3.1.1.
 - Does the student-athlete meet an exception outlined in Bylaw 15.3.3.1.1?
 - If yes, then it is permissible for an institution to provide a student-athlete with financial aid midterm and then apply it retroactively to the start of the term.
 - If no, then it is not permissible for the institution to provide the student-athlete financial aid if the student-athlete does not meet an outlined exception. If the institution has room within their equivalencies to retroactively award aid to the beginning of the academic year. The institution could explore this option provided all financial legislation is met.



Scenario 2

Facts:

- An institution decides to award a student-athlete additional financial aid during the vacation period between fall and spring semester.
- The student-athlete signs the new aid agreement. The student-athlete then decides to not return to the institution for the spring semester.
- Is the institution obligated to award the student-athlete retroactive financial aid for the fall term?



Scenario 2

Analysis:

- An institution should review the athletic aid agreement and confirm the period of award.
- If the award is written for the academic year then the institution would need to apply the retroactive aid to the fall term.



Scenario 3

Facts:

- A student-athlete enrolls during the fall term and later decides to voluntarily withdraw from the team.
- Is the institution able to retroactively award the newly available aid to another student-athlete?



Scenario 3

Analysis:

- Is the student-athlete on an equivalency or head count team?

Head Count: The institution would not be able to retroactively award the new student-athlete financial aid for the fall semester. This would be considered double dipping if the team is at its maximum equivalency. In head count sports, the team must have a counter spot open in order to provide athletics aid retroactively to the start of the fall term.

Equivalency: The institution would be able to re-award the aid for the spring to other student-athletes, but the aid cannot be awarded retroactively to the fall semester interpretively [see Bylaw 15.3.5.1-(d)].

Scenario 4

Facts:

- A student-athlete on a full athletics scholarship, a clerical error has occurred, and it was discovered that an outstanding fee is on her account from a previous academic year.
- May the institution retroactively pay for the outstanding bill that has rolled over from a previous academic year?



Scenario 4

Analysis:

- The institution would need to submit a legislative relief waiver seeking relief to pay for the outstanding expense.
- Bylaw 15.3.1.3 is only applicable to retroactive aid within the current academic year.

Scenario 5

Facts:

- Institution has some remaining money in their Student Assistance Fund budget.
- The institution would like to help a student-athlete in need with their summer tuition bill.
- May the institution retroactively use SAF funds to pay the bill?



Scenario 5

Analysis:

- It would be permissible to apply the retroactive aid legislation to SAF funds used to provide expenses to student-athlete enrolled during the summer term.
- As a reminder, conference policies govern the use of SAF funds.



Common Waivers NCAA Staff Review

Scenario Facts:

- Coach discusses with student-athlete during the academic year of the possibility of additional financial aid depending on how much remaining aid is leftover at the end of the academic year.
 - Documented by institution (e.g., text message, emails).
- Retroactive aid is never applied to student-athlete's account due to an administrative error.
 - Miscommunication between coach and compliance office, process error.



Key Resources

NCAA Proposal No. 2016-130 Autonomy Proposal – Financial Aid – Terms and Conditions – Retroactive Financial Aid (Educational Column)

- **Is there a deadline by which a financial aid agreement must be executed in order for it to be made retroactive to the beginning of the academic year?**
- Yes. A financial aid agreement must be awarded to and signed by the student-athlete by the day of the institution's spring commencement exercises.
- **May financial aid be retroactively applied during summer terms?**
- Yes. Financial aid provided at the end of a summer term could be retroactive to the beginning of the summer; however, it could not be made retroactive to the previous regular academic year.



Key Resources

November 4, 1988 Staff Determination (Awarding Retroactive Financial Aid at Midterm)

- Student-athlete paid educational expenses for a full term but is subsequently awarded institutional financial aid during the term.
 - Following the institution's late certification of the student-athlete's financial aid eligibility;
- Institution is precluded from awarding the student-athlete educational costs retroactive to the beginning of the term;
- However, because the student-athlete previously paid educational costs for the full term, costs (e.g., tuition, room and board) that can be prorated for the remaining portion of the term may be reimbursed.

Reductions/Cancellations/ Replacements/Period of Award



Scenario 1

- May an equivalency sport replace the athletics aid of a student-athlete who voluntarily withdraws from the program?

Scenario 1

- Yes, if the institution has not reached team limits and the "re-award" is effectively an additional award.
 - Can be re-awarded to another student athlete.
 - During the same academic term.
 - Provided all other financial aid provisions are met.
 - One-year period requirements are maintained.
 - Team/individual limits are maintained, etc.



Scenario 1

- If an institution has reached their team limit, the financial aid of a student-athlete who voluntarily withdraws from the team may not be re-awarded to another student-athlete during the same academic term.
- Bylaws 15.3.5.1-(d) and 15.3.4.2-(d).



Scenario 2

- Spring 2017: Men's soccer student-athlete initially enrolls midyear.
- Fall 2017, 2018 and 2019: Student-athlete uses a season of competition each year.
- Fall 2020: Student-athlete plans to complete his fourth season of eligibility.
- December 2020: Student-athlete will graduate after eight consecutive terms of enrollment.
- Spring 2021: Student-athlete intends to begin graduate school.



Scenario 2

- Student-athlete's athletic aid agreement indicates, upon completion of an undergraduate degree, the institution MAY reduce or cancel the award.
- Given the period of award legislation and this student's circumstances (midyear enrollment, fall championship segment), is the institution required to renew the student-athlete's agreement for the 2021 spring term?
 - Assuming institution wrote a one-semester agreement for fall 2020.



Scenario 2

- No, BUT:
 - Must meet an exception to the one-year award legislation.
 - Renewing for less than one year where the student-athlete has at least a year remaining on their five-year period of eligibility is considered a reduction.
 - Which requires a hearing opportunity outside of athletics.

Scenario 3

- Women's soccer graduate transfer from Spain will enroll in fall 2020.
- Transfer student-athlete has one season of eligibility remaining.
- After playing the 2020 soccer season, she will return home and complete the 2021 spring semester remotely.
- Can women's soccer offer her a certain amount of aid for fall only and renew for a smaller amount in spring?
- For example: Fall 2020 = \$15,000; spring 2021 renewal = \$5,000?



Scenario 3

- Renewing student-athlete for spring 2021 for less than she received in fall 2020 is a reduction.
 - And requires the institution to provide an opportunity for a hearing.
- However, student-athlete and institution can agree to a reduced amount for spring 2020.
 - Provided she satisfies an exception to the one-year period [e.g., 15.3.3.1.1-(c)].
 - For example, graduated in previous academic year and will exhaust eligibility in following fall term.



Scenario 4

- A student athlete received a 50% equivalency in 2018-19.
- He was permissibly nonrenewed before July 1, 2019.
- During the 2019 fall term, his coach decided to grant him another scholarship at 25% equivalency.
- Is this considered an increase or decrease?



Scenario 4

- Student-athlete was permissibly nonrenewed.
- He began the 2019-20 period of award not receiving athletics aid.
- Institution is not required to provide a reduction letter given student-athlete is receiving an increase during the period of the award.
- As long as the nonrenewal was permissible, the previous academic year was closed, and student-athlete's 50% award did not carry over.



Scenario 5

- A women's basketball student-athlete voluntarily quit the team during the 2019-20 academic year.
- She remains enrolled at the institution.
- May her institution use her aid to bring in a mid-year (January 2020) transfer?
- If not, is it permissible to award the aid to a current walk-on for the 2020 spring term?

Scenario 5

- Bylaw 15.5.5.3 does not permit the replacement of the student-athlete during the ensuing term (e.g., spring 2020).
- Unless the student-athlete withdrew from the institution during the previous term (e.g., fall 2019).
- Student-athlete must be considered a counter for the entire academic year.
 - She cannot be replaced unless the requirements of the voluntary withdrawal legislation are satisfied or a legislative relief waiver is granted.



Questions?

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