

NCAA Division I Legislative Council Subcommittee for Legislative Relief Previously Approved Waivers Checklist

The previously approved waiver process was approved with an immediate effective date by the NCAA Division I Legislative Council during its April 2009 meeting. The intent behind this process is to reduce bureaucracy and permit the membership and NCAA staff to work more efficiently in limited circumstances. Similar to previously approved incidental expense waivers in NCAA Bylaw 16.12, institutions may self-apply on campus any previously approved waiver specifically listed below without filing a formal NCAA Division I Legislative Council Subcommittee for Legislative Relief waiver request to the NCAA national office. An institution is only permitted to self-apply relief (approve a waiver request) if the institution's circumstances appear on the list of designated previously approved waivers and the circumstances satisfy the specified criteria established for the particular previously approved waiver. If an institution's circumstances do not appear on the list of previously approved waivers or if the circumstances do not satisfy all of the established criteria for a particular previously approved waiver, the institution must submit a formal legislative relief waiver application to the national office for consideration. An institution that grants relief of NCAA legislation based on the specific previously approved waiver circumstances listed below must submit a report to its conference office on a quarterly basis each year. Institutions are encouraged to call the national office at 317/917-6003 with any questions related to the administration of the previously approved waiver process. The list of previously approved waivers will be updated on a quarterly basis by NCAA staff.

➤ **Bylaws 13.2.1, 13.5.1 and 13.5.2.6: Reimbursement of Prospective Student-Athlete's Parents'/Legal Guardians' Official Visit Travel Expenses When Institution is Responsible for Cancelling Visit.**

- ✓ Institution must have formally scheduled the official visit with prospective student-athlete and his or her family.
- ✓ Prospective student-athlete's parents or legal guardians must have purchased travel accommodations based on the agreed date for the visit.
- ✓ Institution must have been responsible for the cancellation of prospective student-athlete's visit (e.g., coaching staff change, illness of coaching staff member, institution ceased recruiting prospective student-athlete).
- ✓ In cases in which the visit is cancelled and will not be rescheduled, the institution is permitted to reimburse prospective student-athlete's parents/guardians the actual original cost of the travel expense.
- ✓ In cases in which the visit is cancelled and will be rescheduled, the institution is permitted to reimburse prospective student-athlete's parents or guardians the cost

to change the travel accommodations to the rescheduled date (e.g., flight change fees) but not the original cost of the travel expense.

- ✓ See Subcommittee for Legislative Relief Case Nos. 9801 and 10351 on LSDBi.

➤ **Bylaw 13.2.1: Institutional Recognition of a Former Student-Athlete Who Has Prospective Student-Athlete-Aged Children.**

- ✓ Institution is recognizing a former student-athlete for his or her outstanding achievements (e.g., hall of fame induction, member of a national championship team, distinguished alumni award).
- ✓ Institution would like to provide actual and necessary expenses (e.g., transportation, meals, hotel accommodations) and other reasonable benefits (e.g., tickets to an athletics contest, special seating at the contest) to the former student-athlete's family but one or more of the former student-athlete's children are prospect age.
- ✓ Institution provides same or similar expenses/benefits to any former student-athlete who is being recognized for a special achievement.
- ✓ Institution is not recruiting the former student-athlete's prospect-aged child/children at the time of the recognition.
- ✓ See Subcommittee for Legislative Relief Case Nos. 9256, 9408, 10197, 12206, 12419 and 12427 on LSDBi.

➤ **Bylaw 13.2.9: Death Involving Prospective Student-Athletes or Prospective Student-Athletes' Immediate Family Members.**

- ✓ Institution is seeking to provide flowers or a reasonable token of support to a prospective student-athlete or a prospective student-athlete's family when a prospective student-athlete and/or a member of his or her immediate family (e.g., mom, dad, siblings) dies or suffers a severe or life-threatening injury or illness.
- ✓ Prospective student-athlete must have verbally committed to institution.
- ✓ Flowers or reasonable tokens of support may not exceed \$100 in value.

- ✓ Note: When the circumstances involve the death of a prospective student-athlete, a waiver is only necessary to provide flowers/tokens of support if the deceased prospective student-athlete has prospect-aged siblings.
- ✓ Note: This waiver does not permit members of the coaching staff to attend the funeral of the deceased. An institution may file a Subcommittee for Legislative Relief waiver to request permission to attend the funeral.
- ✓ See Subcommittee for Legislative Relief Case Nos. 10469, 10771 and 11126 on LSDBi.

- **Bylaw 14.7: Outside Competition During Study-Abroad Program.**
 - ✓ Student-athlete is enrolled in a study-abroad program through his or her institution and would like to participate on a team in outside competition that is normally precluded under Bylaw 14.7.
 - ✓ Institution must verify that the competition is amateur in nature (see Bylaw 12).
 - ✓ Institution must certify that the purpose of the study-abroad program is unrelated to athletics participation.
 - ✓ See Subcommittee for Legislative Relief Case Nos. 9520, 10234 and 10368 on LSDBi.

- **Bylaws 14.7.2 and 17.5.6: Wheelchair Contests for Fundraiser Events.** Members of an institution's athletics team (any sport) may participate in competition involving an organized wheelchair sporting event provided:
 - ✓ The wheelchair contest is designated as a charity fundraiser event.
 - ✓ All components of Bylaw 12.5.1.1 (promotional activities) must be satisfied.
 - ✓ Participation by student-athletes must be on a volunteer basis. Student-athletes may not be required to participate.
 - ✓ See Subcommittee for Legislative Relief Case Nos. 9635, 10088, 10629 and 10711 on LSDBi.

➤ **Bylaw 13.4.1.1: Language Required by Higher Education Associations or State Law to be Printed on Institutional Note Cards.**

- ✓ Applies to institutions required by higher education associations or state law to preprint language (e.g., Title IX statement, institutional mission statement) on institutional note cards.
- ✓ Institution must obtain a statement from its general counsel/legal counsel office indicating that based on the higher education association requirement or state law, the institution is required to include the information on the institutional note card (as opposed to optional).
- ✓ The previously approved waiver would not apply to institutional and/or conference policies.
- ✓ See Subcommittee for Legislative Relief Case Nos. 9876 and 10022 (denied) on LSDBi.

➤ **Bylaw 16.8.1.2.1: Early Departure Due to Institutional Policy Prohibiting Participation on Sundays.**

- ✓ Institution must be departing prior to the permissible 48-hour period due to a religious affiliation and/or institutional policy that prohibits participation in athletics (i.e., practice or competition) Sundays.
- ✓ Institution may depart no more than 72 hours prior to the scheduled competition.
- ✓ Institution must be departing for a contest scheduled on a Monday or Tuesday.
- ✓ Any student-athletes who will miss class due to the earlier departure must receive approval to miss class from professors prior to departure. Institution must make alternate travel arrangements departing within the permissible 48-hour period for any student-athletes who are not approved to miss class.
- ✓ See Subcommittee for Legislative Relief Case Nos. 9994, 10100, 10626, 11617 and 11676 on LSDBi.

➤ **Bylaw 16.8.1.2.1: Involving Rescheduled Time or Date of Competition.**

- ✓ Institution originally purchased travel arrangements that satisfied Bylaw 16.8.1.2.1 based on the original date/time of the competition. Subsequent to purchase, institution is notified that the original time of the competition was rescheduled and as a result, the team's scheduled travel (departure or return) will not satisfy the departure-return expense restriction legislation.
- ✓ The institution will incur a change fee or financial penalty if required to change the originally scheduled travel.
- ✓ If additional missed class will occur as a result of the earlier departure, prior to the team's departure from campus, the institution must obtain permission from the student-athletes' professors allowing the SAs to miss class. For those student-athletes who do not obtain permission, the institution must arrange alternate travel that satisfies Bylaw 16.8.1.2.1.
- ✓ NOTE: This previously approved waiver also applies to circumstances involving an originally scheduled competition being cancelled and the institution reschedules a competition against another institution and due to the cancelling/rescheduling of the contest, the team's originally scheduled travel (departure or return) will not satisfy the departure-return expense restriction legislation.
- ✓ See Subcommittee for Legislative Relief Case Nos. 9489, 9501, 11193, 12597 and 12694 on LSDBi.

➤ **Bylaw 16.8.1.2.1: Involving Rescheduled or Cancelled Flight.**

- ✓ Institution originally purchased travel arrangements that satisfied Bylaw 16.8.1.2.1. Subsequent to purchase, institution is notified by the airline that the team's original flight itinerary has changed (e.g., team's original flight is cancelled and team is rebooked on a different flight or flight departure time is moved to an earlier time). As a result of the change, the team's scheduled travel (departure or return) will not satisfy the departure-return expense restriction legislation.
- ✓ The institution will incur a change fee or financial penalty if required to change the originally scheduled travel.

- ✓ If additional missed class will occur as a result of the earlier departure, prior to the team's departure from campus, the institution must obtain permission from the SAs' professors allowing the SAs to miss class. For those SAs who do not obtain permission, the institution must arrange alternate travel that satisfies Bylaw 16.8.1.2.1.
- ✓ See Subcommittee for Legislative Relief Case Nos. 10466 and 12455 on LSDBi.

➤ **Bylaw 16.8.1.2.1: Travel to the National Invitational Tournament (NIT).**

- ✓ Institution's men's or women's basketball team has been selected to participate in the National Invitational Tournament (NIT).
- ✓ Due to an extenuating circumstance (e.g., limited availability of flights, cost savings); the team must travel on a flight that will not satisfy the departure-return expense restriction legislation.
- ✓ If additional missed class will occur as a result of the earlier departure, prior to the team's departure from campus, the institution must obtain permission from the student-athletes' professors allowing the student-athletes to miss class. For those student-athletes who do not obtain permission, the institution must arrange alternate travel that satisfies Bylaw 16.8.1.2.1.
- ✓ Institutions are encouraged to first review all applicable interpretations related to Bylaw 16.8.1.2.1 to ensure the circumstance is not addressed interpretively before applying the previously approved waiver.
- ✓ See Subcommittee for Legislative Relief Case Nos. 11471, 12323 and 12377 on LSDBi.