



**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**

**2025-26 AMATEURISM FACT-FINDING  
POLICIES AND PROCEDURES**

1. **Legislated Duties.** The NCAA Division I Preenrollment Amateurism Certification Committee (Division I Bylaw 21.10.6.6.4.2), Division II Legislation Committee Legislative Review Subcommittee (Division II Bylaw 8.4.3.5.2) 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 Legislative 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 21.10.6.64.1.1), 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 Legislative 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 compensation, 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 the accuracy of 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 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 or secondary 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 21.10.6.6.4.3).

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.