NCAA DIVISION I
INITIAL-ELIGIBILITY WAIVERS COMMITTEE

NCAA DIVISION II
ACADEMIC REQUIREMENTS COMMITTEE
SUBCOMMITTEE ON INITIAL-ELIGIBILITY WAIVERS

2019-20 POLICIES AND PROCEDURES
1. **Legislated Duties.** The Division I Initial-Eligibility Waivers Committee and Division II Academic Requirements Committee Subcommittee on Initial-Eligibility Waivers oversee the IEW process in accordance with Bylaw 14.3.1.5 and consider appeals of staff decisions.

2. **Responsibilities.**
   a. Review appeals of staff IEW decisions.
      (1) Adhere to committee policies and procedures.
      (2) Apply the IEW directive.
   b. Provide an annual report of IEW decisions to the Committee on Academics and Academic Requirements Committee.
   c. As requested, examine initial-eligibility legislation.

3. **Composition and Reporting.** The Division I IEW Committee has 20 members (Bylaw 21.7.5.1.1), and its policies and procedures are approved by the Committee on Academics.

   The Division II Academic Requirements Committee Subcommittee on IEWs has five Academic Requirements Committee members designated by the committee. Its policies and procedures are approved by the Academic Requirements Committee.

4. **Terms.** Division I IEW Committee members are appointed for one four-year term, which generally commences on January 1 after appointment (Bylaw 21.7.5.1.2).

   Division II Academic Requirements Committee IEW Subcommittee members are appointed for one four-year term, which generally commences on September 1 after appointment. A former subcommittee member may be appointed to an additional term after three years have elapsed. An individual may not serve more than two terms on the IEW Subcommittee.

5. **Subcommittee Chair Selection.** The staff liaison solicits nominations from subcommittee members, and the subcommittee appoints a chair based on majority vote. The subcommittee chair serves in such capacity for the remainder of the individual’s term.

6. **Organization.** The Division I IEW Committee has four subcommittees (five members per subcommittee). The primary case type is based on the student-athlete’s deficiency in meeting qualifier requirements.
   a. Core-course subcommittee. Reviews appeals for student-athletes who only present a core-course deficiency.

      **Note:** The subcommittee does not hear appeals for core-course deficiencies involving an education-impacting disability or a secondary-school credential from a non-U.S.-based educational system.
b. Education-impacting disability subcommittee. Reviews appeals for student-athletes (including those who attended secondary school in a non-U.S.-based educational system) who present an EID.

   Note: A subject-matter professional may review EID information and documentation, as well as participate in the subcommittee’s appeal teleconference.

c. International student subcommittee. Reviews appeals for student-athletes who present a secondary-school credential from a non-U.S.-based educational system (including those who attended secondary school in multiple educational systems).

   Note: The subcommittee does not hear appeals for such student-athletes who present an EID.

d. GPA/transcript change subcommittee. Reviews appeals for student-athletes who present a denied transcript change, a deficiency in meeting the sliding-scale index (including those who also present a core-course deficiency), and/or lack proof of graduation.

   Note: The subcommittee does not hear appeals for such deficiencies involving an EID or a secondary-school credential from a non-U.S.-based educational system.

The Division II Academic Requirements Committee IEW Subcommittee hears all appeals. A subject-matter professional may review EID information and documentation, as well as participate in the subcommittee’s appeal teleconference.

7. Duties.

a. Subcommittee chairs.

   (1) Review all materials before each teleconference and be prepared for each appeal.

   (2) Conduct subcommittee teleconferences (e.g., identify conflicts of interest, lead discussion and deliberation).

   (3) Determine whether the subcommittee will hear an appeal requested after the deadline.

   (4) Provide notice of inability to participate on a teleconference.

   (5) Recuse from appeals when appropriate (e.g., conflict of interest).

   (6) Adhere to committee policies and procedures and apply the IEW directive.

b. Subcommittee members.

   (1) Review all materials before each teleconference and be prepared for each appeal.

   (2) Participate in all subcommittee teleconferences.

   (3) Provide notice of inability to participate on a teleconference.
(4) Recuse from appeals when appropriate (e.g., conflict of interest).
(5) Adhere to committee policies and procedures and apply the IEW directive.

c. NCAA Eligibility Center academic review team members.
(1) Review and process all IEWs.
(2) Render an initial decision for all IEWs.
(3) Provide all necessary information and documentation for the subcommittee to consider during its appeal teleconference.
(4) Objectively present an overview of the IEW, note the institution's assertions, explain the staff decision/rationale and answer questions from the subcommittee.
(5) Notify the institution of the subcommittee decision and rationale.

8. Authority. The academic review team does not have authority to process an IEW for a student-athlete who has enrolled full time at a two-year college, which triggers transfer status and the application of two-year college transfer requirements. While initial-eligibility certification status determines the applicable two-year college transfer standard, the high school academic record is not a factor in determining whether a student-athlete meets two-year college transfer requirements, which are based on performance at the two-year college. However, a student-athlete who received a fully approved IEW (i.e., automatically, submitted waiver) before full-time enrollment at a two-year college may be considered a qualifier for purposes of applying two-year college transfer requirements.

Only a member institution has authority to submit an IEW for a student-athlete. Further, only the academic review team has authority to render a staff IEW decision, including scenarios in which IEW submission is not required (the subcommittees may review such decisions).

After the academic review team renders an IEW decision, only the subcommittee has authority to review an appeal and render a subsequent decision. The subcommittee determination is final, binding and conclusive and is not subject to further review by any other authority.

9. Decisions. The academic review team and subcommittee must render a decision in accordance with the IEW directive (Note: the service standard to issue a decision is three business days after the waiver is ready to process). In rare circumstances, staff has discretion to consider the strength of a student-athlete’s overall academic record (e.g., 10 core units, 3.000 core GPA, 85 ACT score) in lieu of a predicted first-year GPA for partial approval.

The staff and subcommittee have discretion to table an appeal, as necessary (e.g., pending High School Review Committee appeal). Staff will provide written notice of a tabled waiver.
10. **Precedent.** Due to the fact-specific nature of IEWs, along with legislative and directive changes, precedent from prior academic years is not binding. Precedent cases five years and older are automatically archived and thus may not be considered in the IEW analysis.

11. **Division I Council Review Process.** In January 2016, the Division I Council granted the staff authority to consider extenuating circumstances, exercise reasonable discretion in evaluating cases and allow consideration of mitigating factors that may justify departure from the strict application of legislation, case precedent or committee guidelines where the prescribed outcome is disproportionate or inconsistent with legislative intent. This authority applies to all Division I decisions in the directive, as follows:

   a. Partial approval for athletics aid. Nonqualifiers with a significant deficiency who assert personal hardship, a lost academic opportunity, an education-impacting disability or military service as mitigation.  
      
      **Note:** May earn eligibility for practice in the next regular term of full-time enrollment during the first year by successfully completing at least nine semester hours or eight quarter hours of academic credit in the preceding regular term of full-time enrollment.

   b. Partial approval for athletics aid (first year) and practice (first term). Nonqualifiers who would meet academic-redshirt requirements with all core-course units completed before full-time enrollment and/or by using an NCAA conversion score for the redesigned SAT (see academic certification procedure resource).  
      
      **Note:** May earn eligibility for practice in the next regular term of full-time enrollment during the first year by successfully completing at least nine semester hours or eight quarter hours of academic credit in the preceding regular term of full-time enrollment.

   c. Approval. Academic redshirts who would meet qualifier requirements with the best six core-course units completed after starting the seventh semester (and before full-time enrollment) and/or by using an NCAA conversion score for the redesigned SAT (see academic certification procedure resource).

12. **Division I Academic Redshirts.** For academic redshirts, eligibility for competition is at issue in the IEW process. If an academic redshirt does not meet the condition to earn practice in the next term of full-time enrollment during the first year in residence, the institution may submit an IEW, provided it has not done so previously. In such scenarios, the analysis will focus on mitigation for the student-athlete’s deficiency in meeting qualifier requirements; however, mitigation for the student-athlete's failure to satisfy the academic condition may also be considered in determining whether to permit practice in the next term of full-time enrollment during the first year in residence (the progress-toward degree waiver team may be consulted, as appropriate).

13. **Division I Pre-2016 Graduates.** Student-athletes who graduated before 2016 and would meet qualifier requirements applicable to their graduating class will receive an automatic waiver.
The 2019-20 initial-eligibility standards, directive and data tool apply to IEWs submitted for pre-2016 graduates who did not receive an automatic waiver for competition.

14. **Division II Pre-2018 Graduates.** Student-athletes who graduated before 2018 and would meet initial-eligibility requirements applicable to their graduating class will receive an automatic waiver equal to the highest standard that would have been met (i.e., partial qualifier or qualifier) had such student-athletes enrolled full time before 2018.

The 2019-20 initial-eligibility standards, directive and data tool apply to IEWs submitted for pre-2018 graduates who did not receive an automatic waiver for competition.

15. **Reconsiderations.** The institution may request reconsideration of an IEW decision (staff or subcommittee) based on new relevant information that was not reasonably available to any involved individual at the time of the previous decision. The reconsideration request (submitted via RSRO) must include (1) a statement on letterhead that explains why the institution believes the information meets the threshold, and (2) supporting documentation.

The staff has discretion to determine whether the institution's reconsideration request meets the threshold. If so, staff will review the IEW and render a reconsideration decision; however, if not, staff will deny the reconsideration request. If the subcommittee has previously rendered an appeal decision, staff may consult the subcommittee chair regarding whether a subsequent reconsideration request meets the threshold. If the subcommittee chair has a conflict of interest, the remaining subcommittee members may decide (via majority vote) whether a subsequent reconsideration request meets the threshold.

Staff and the subcommittee will not reconsider an IEW decision based on a student-athlete's performance after full-time enrollment (e.g., 2019 fall term).

16. **Appeals.** The institution has 30 calendar days after receiving written notice of a staff decision (initial or reconsideration) to submit a complete appeal request via RSRO. The appeal request must include a statement on letterhead, signed by the athletics director and senior compliance administrator, that specifies the relief sought and explains why the institution believes additional relief is warranted. The subcommittee decision is final, binding and conclusive and is not subject to further review by any other authority.

An appeal request submitted more than 30 calendar days after written notice of the staff decision must include a letter of explanation regarding the institution's failure to submit the request within 30 calendar days. The subcommittee chair has discretion to determine whether the subcommittee will hear the appeal. If the subcommittee chair has a conflict of interest, the remaining subcommittee members decide (via majority vote) whether to hear the appeal.
If staff denies the institution's reconsideration request, the institution may appeal the previous staff decision, provided it has not done so previously and the appeal request is submitted within 30 calendar days after receiving written notice of the previous decision.

17. **Teleconferences.** Each subcommittee conducts a weekly appeal teleconference (if necessary), which is limited to Eligibility Center academic review team and subcommittee participation.

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<thead>
<tr>
<th>Subcommittee</th>
<th>Teleconference</th>
<th>Submission Deadline (EST)</th>
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<tbody>
<tr>
<td>Division I Core Course</td>
<td>Monday</td>
<td>Prior Wednesday (3 p.m.)</td>
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<tr>
<td>Division I International</td>
<td>Tuesday</td>
<td>Prior Thursday (3 p.m.)</td>
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<tr>
<td>Division I EID</td>
<td>Thursday</td>
<td>Prior Thursday (3 p.m.)</td>
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<tr>
<td>Division I GPA/Transcript Change</td>
<td>Friday</td>
<td>Prior Tuesday (3 p.m.)</td>
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<tr>
<td>Division II ARC</td>
<td>Monday</td>
<td>Prior Wednesday (3 p.m.)</td>
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The subcommittee chair begins by reviewing the report from the subcommittee's prior teleconference. After the report is approved with any noted revisions, the chair identifies any conflicts of interest and proceeds to the appeals, which are considered individually.

After the staff has objectively presented an overview of the waiver, noted the institution's assertions, explained the staff decision/rationale and answered questions, the subcommittee chair leads the deliberation. Appeals are decided by majority vote of all subcommittee members present and voting.

18. **Representatives.** An institution may designate a non-staff representative to assist with an IEW by adding the individual to its list of Eligibility Center contacts, which the institution is responsible for managing, and providing the institution’s NCAA organization ID to the non-staff representative. Unless stated otherwise, all provisions applicable to institutional staff members are applicable to the institution's non-staff representative for the IEW process.

A student-athlete’s representative is authorized to participate in the IEW process, including communication with academic review team members, to the same extent the student-athlete would otherwise be eligible to participate without representation.

19. **Updated Certification after IEW Decision.** If the Eligibility Center updates a student-athlete's final certification after the staff or subcommittee IEW decision (e.g., test-score cancellation), the previous IEW decision is null and void if the deficiency increases. However, the institution may resubmit an IEW for the student-athlete based on the updated academic record and deficiency.

20. **Resignation.** If a committee member resigns, the individual must provide written notice to the staff liaison. Thereafter, the procedures to solicit and appoint a new member will be initiated, and a new committee member will be appointed.
Based on a recommendation from the subcommittee chair, the Division I Committee on Academics or the Division II Academic Requirements Committee may remove subcommittee members who are not discharging their responsibilities.

21. **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.

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 (Approved by the NCAA Executive Committee – August 2008).
22. **Confidentiality.** Subcommittee members may not communicate any information regarding specific IEWs to anyone other than NCAA staff or other subcommittee members. This includes, but is not limited to, communication with institutional staff members or non-staff representatives regarding an IEW appeal. The staff may only communicate with the institution’s primary or secondary contact (designated via RSRO), or its non-staff representative.

The staff must maintain confidentiality in all IEWs and may not confirm or deny the existence of a waiver until a decision is rendered in accordance with the prescribed procedures. However, if the institution makes a public announcement concerning a waiver, the director of academic and amateurism review (or designee) may confirm information made public and may address erroneous or incomplete information about matters made public by the institution, student-athlete or other involved individual. The national office may respond on behalf of the NCAA, as the Eligibility Center vice president deems appropriate.

Any information and/or documentation submitted as part of an IEW may be shared with other national office staff members (e.g., enforcement, high school review).

23. **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.

24. **Violation Assessment.** The staff may require the institution to conduct an assessment and provide a written statement regarding whether a violation of Bylaw 14.1.2.1 (pre-enrollment academic misconduct) and/or Bylaw 10.1 (unethical conduct) occurred during the IEW process (e.g., failure to provide accurate information regarding mitigation). The staff may refer the matter to enforcement if it believes there is institutional involvement in a violation or an institution has failed to meet its obligation to self-report a violation.