



**NCAA DIVISION I
INITIAL-ELIGIBILITY WAIVERS COMMITTEE**

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

2023-24 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, review initial-eligibility legislation.
3. **Composition and Reporting.** The Division I IEW Committee has seven members (Bylaw 21.10.5.1.1), and its policies and procedures are approved by the Committee on Academics. It shall be comprised of individuals who have expertise related to education-impacting disabilities (two members), international academic credentials (two members) and initial-eligibility certifications (three members).

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 21.10.5.1.2).

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 committee 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. **Chair Selection.** The staff liaison solicits nominations from committee members, and the committee appoints a chair based on majority vote. The committee chair serves in such capacity for the remainder of the individual's term.
6. **Organization.** The Division I IEW Committee hears all appeals. A subject-matter professional may review EID information and documentation, as well as participate in the committee's appeal teleconference.

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 committee's appeal teleconference.

7. Duties.

a. Committee chairs.

- (1) Review materials before each teleconference.
- (2) Conduct committee teleconferences (e.g., identify conflicts of interest, lead discussion and deliberation).
- (3) Recuse from appeals when appropriate (e.g., conflict of interest).
- (4) Adhere to committee policies and procedures and apply the IEW directive.
- (5) Determine whether the committee will hear an appeal requested after the deadline (30 calendar days).

b. Committee members.

- (1) Review materials before each teleconference.
- (2) Participate in all committee teleconferences.
- (3) Recuse from appeals when appropriate (e.g., conflict of interest).
- (4) Adhere to committee policies and procedures and apply the IEW directive.

c. NCAA Eligibility Center staff members.

- (1) Review and process all IEWs.
- (2) Render an initial decision for all IEWs.
- (3) Provide all information and documentation for the appeal teleconference.
- (4) Objectively present an overview of the facts and mitigating circumstances, explain the staff decision and rationale, and answer questions from the committee.
- (5) Notify the institution of the committee 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 (via an automatic or

submitted waiver) before initial full-time collegiate enrollment 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 committees may review such decisions).

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

9. **Decisions.** The academic review team and committee must render a decision in accordance with the IEW directive (Note: the service standard to issue a decision is five business days after the waiver is ready to process, and decisions apply across the division). Further, an IEW may be approved in accordance with the Eligibility Center's error policy.

Division II nonqualifiers who initially enrolled full time before Fall 2021 may be partially approved for athletics aid and practice if mitigation contributed to their deficiency.

Student-athletes who are eligible (via IEW relief) to practice (but not compete) may participate in practice that occurs on campus or at the institution's regular practice facility. In addition, such student-athletes may participate in practice that occurs in another locale during an official institutional vacation period in which competition does not occur.

10. **Precedent.** Due to the fact-specific nature of IEWs, along with legislative and directive changes, precedent from prior academic years is not binding. Decisions that are 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 (first year) and practice (first term). Nonqualifiers who would meet academic-redshirt requirements with all core-course units completed before initial full time collegiate enrollment.

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. Approval. Student-athletes who initially enrolled full time in the 2020-21, 2021-22 or 2022-23 academic year and meet [COVID-19 alternative initial-eligibility standards](#).

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 deficiency in meeting qualifier requirements.
13. **Reconsiderations.** The institution may request reconsideration of an IEW decision (staff or committee) based on new relevant information that was not reasonably available to any involved individual at the time of the previous decision. The reconsideration request (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 (which restarts the 30-calendar-day appeal deadline); however, if not, staff will deny the reconsideration request. If the committee has previously rendered an appeal decision, staff may consult the committee chair regarding whether a subsequent reconsideration request meets the threshold. If the committee chair has a conflict of interest or is not reasonably available, the remaining committee members may decide (via majority vote) whether a subsequent reconsideration request meets the threshold.

Staff and the committee will not reconsider an IEW decision based on a student-athlete's performance after full-time enrollment (e.g., 2023 fall term).

14. **Appeals.** The institution has 30 calendar days after receiving written notice of the most recent staff IEW decision (initial or reconsideration) to submit (via RSRO) a complete appeal request. The 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 committee decision is final, binding, conclusive and not subject to further review by any other authority (Division I Bylaw 21.10.5.1.4; Division II Bylaw 21.8.5.1.3).

An appeal requested after 30 calendar days must include a letter that explains why the institution did not meet the deadline. The committee chair has discretion to determine whether the committee will hear the appeal. If the committee chair has a conflict of interest or is not reasonably available, the remaining committee 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.

The staff and/or committee may table an appeal, as necessary (e.g., pending High School Review Committee appeal). Staff will provide written notice of a tabled waiver.

15. **Teleconferences.** Each committee has a standing weekly appeal teleconference (if necessary), which is limited to Eligibility Center academic review team and committee participation (**Note:** the institution may only participate via its written submission).

Committee	Teleconference	Submission Deadline (EST)
Division I IEW Committee	Wednesday	Prior Wednesday (3 p.m.)
Division II ARC IEW Subcommittee	Monday	Prior Monday (3 p.m.)

The committee chair begins by reviewing the report from the committee'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 committee chair leads the deliberation. Appeals are decided by majority vote of all committee members present and voting. Thereafter, staff conveys the committee decision and rationale to the institution but may not disclose specific information regarding voting.

16. **Representatives.** 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 non-staff representative for the IEW process.

A student-athlete's representative is authorized to participate in the IEW process (e.g., communication with academic review team members) to the same extent the student-athlete would be permitted to participate without a representative.

17. **Updated Certification after IEW Decision.** If the Eligibility Center updates a student-athlete's final certification after the staff or committee IEW decision, 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.
18. **Resignation.** If a committee member resigns, the individual must provide written notice to the staff liaison. Thereafter, a new committee member will be appointed.
19. **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.

- 20. Confidentiality.** Committee members may not communicate any information regarding specific IEWs 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 regarding an IEW appeal. The staff may only communicate with the institution's primary or secondary contacts (per RSRO) or its non-staff representative.

The staff must maintain confidentiality in all IEWs. However, if an institution, a student-athlete or an involved individual comments publicly regarding a waiver, staff may confirm such information and/or address erroneous or incomplete information. 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).

21. **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.
22. **Violation Assessment.** Staff may require the institution to provide a written summary of information gathered, as well as its assessment regarding whether a violation of Division I Bylaw 14.9.3 (pre-enrollment academic integrity), Division II Bylaw 14.1.2.1 (pre-enrollment academic misconduct) and/or Bylaw 10.1 (unethical conduct) occurred in the IEW process (e.g., providing false or inaccurate mitigation). The summary and written assessment must be completed within 30 calendar days and signed by the institution's athletics director, as well as the senior compliance administrator. 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.