

# NCAA DIVISIONS I, II AND III COMMITTEES ON STUDENT-ATHLETE REINSTATEMENT

## POLICIES AND PROCEDURES

### (Including Reinstatement Requests, Waivers and Extension Requests)

The student-athlete reinstatement process provides for the evaluation of institutional self-reports submitted on behalf of student-athletes/prospective student-athletes who have been involved in a violation of NCAA regulations that affect their eligibility in order to assess the student-athlete(s)/prospective student-athlete(s) responsibility and to determine appropriate conditions for reinstatement of eligibility. This process also provides for a review of institutional requests for various waivers for which the NCAA Divisions I, II and III Committees on Student-Athlete Reinstatement have the authority to act. Decisions for both reinstatement requests and other waiver requests are based on national standards established by the membership, the NCAA Divisions I, II and III Management Councils and the student-athlete reinstatement committees, and are applied by the student-athlete reinstatement staff.

### **Initial-Staff Decision - Reinstatement Requests**

1. When a member institution determines that a prospective or enrolled student-athlete has been involved in a violation of NCAA rules, it is obligated under NCAA Division I Bylaw 14.11.1 to declare the individual ineligible and withhold the student-athlete from all intercollegiate competition. The student-athlete reinstatement committees process reinstatement requests for violations of Bylaw 10 (ethical conduct), Bylaw 12 (amateurism), Bylaw 13 (recruiting), Bylaw 14 (eligibility), Bylaw 15 (financial Aid), Bylaw 16 (extra benefits) and Bylaw 18 (drug testing). If necessary, an institution should contact the NCAA membership services staff to obtain an interpretation concerning the appropriate application of the legislation.
2. If an individual is ineligible under NCAA legislation and the institution believes the circumstances warrant requesting reinstatement of eligibility, it may submit a request for reinstatement to the NCAA student-athlete reinstatement lead administrator. An application is currently available on the NCAA Web site ([www.ncaa.org](http://www.ncaa.org)) and will be mandatory when the electronic database is operational. All student-athletes or prospective student-athletes shall be required to complete a signed Buckley Statement when an institution requests reinstatement. Any exception to this policy must be granted by the lead administrator. If the institution requires an immediate decision (e.g., because of pending competition), it should be noted in its request. The request for reinstatement shall include a statement that a violation has taken place; a statement indicating that the institution has declared the involved prospective student-athlete or student-athlete ineligible and is

requesting reinstatement of eligibility; a description of the violation, including the rule citation and amount or value of any benefit received; the identity of all coaches, prospective student-athletes or student-athletes and other individuals involved in the violation; the means by which the institution became aware of the violation; the reasons(s) the violation occurred; the involved prospective student-athlete's or student-athlete's knowledge of the rule in question; a list of corrective or disciplinary actions taken by the institution or conference; a statement describing factors, if any that might mitigate the violation; and supporting documentation. The institution is responsible for developing complete, accurate and thorough information prior to submitting an appeal to the student-athlete reinstatement committees.

3. After a request for reinstatement is received by the national office, it is assigned to a student-athlete reinstatement staff member who reviews the request and may obtain additional information prior to reaching a decision. While the student-athlete reinstatement staff may gather additional information relevant to the reinstatement request, its primary purpose is to ensure that the facts are developed. Its primary function is not to act as a fact-finding body. The institution primarily is responsible for gathering the facts necessary to process a reinstatement request.
  - a. Involvement with Agents, Gambling and Amateurism Staff. If the reinstatement request involves an agent or gambling violation, the reinstatement staff will provide a copy of the institution's report to the agents, gambling and amateurism (AGA) staff of enforcement services. If the AGA staff agrees that the report appears complete, the student-athlete reinstatement staff will continue with its process. If the AGA staff determines that the report appears incomplete, the AGA staff may conduct additional follow up with the institution to ensure that all relevant facts are included in the request before the reinstatement staff issues a decision.

If the reinstatement request involves an amateurism violation self-reported by the institution, the student-athlete reinstatement staff may provide a copy of the institution's report to the AGA staff to ensure accuracy and a complete representation of the facts. Also, if the staff determines that in-depth follow up is warranted, the student-athlete reinstatement staff will notify the institution of the concerns related to the facts as reported and indicate that additional follow up appears to be needed. The AGA staff and the student-athlete reinstatement staff will work jointly to conduct the needed follow up to develop the set of facts.

If the reinstatement request involves an amateurism case that was initiated by the AGA staff through investigative efforts, the student-athlete reinstatement staff will provide a copy of the institution's report to the AGA staff to ensure accuracy and a

complete representation of the relevant facts. If the AGA staff determines that relevant facts need to be added to the institution's report, the AGA staff will contact the institution to discuss the report and establish a set of agreed-on facts which the student-athlete reinstatement staff will base its decision. If the student-athlete reinstatement staff notifies the institution that the report appears to be incomplete, but the institution determines that the facts are complete as reported, then the student-athlete reinstatement staff will make a decision based on the reported facts. If the concerns are substantiated with facts, then the institution could be subject to the enforcement process and the reinstatement decision could be voided.

- b. Involvement with Major Enforcement Staff. If the reinstatement request involves a violation connected to a major infractions case, the student-athlete reinstatement staff will provide a copy of the report to the major enforcement staff members involved in the case. If the enforcement staff determines that the report appears complete, then the reinstatement staff will process the case.

If the enforcement staff determines that the report appears incomplete, the reinstatement staff and major enforcement staff may conduct a follow up with the institution specific to the concerns related to the facts. If the institution agrees that the report needs to be developed, the major enforcement and/or reinstatement staff will assist with that investigative process. However, if the institution determines that the report is complete, then the student-athlete reinstatement staff will make a decision based on the institution's set of facts. If the staff's concerns are substantiated, then the institution could be subject to the enforcement process, and the reinstatement decision could be voided.

- c. Involvement with NCAA Amateurism Clearinghouse Staff. The Divisions I and II Committees on Student-Athlete Reinstatement will create and update prescribed penalties to be administered by the amateurism clearinghouse. The amateurism clearinghouse team may impose a reinstatement penalty from the committee's approved prescribed penalty schedule if the violation(s) is listed on the penalty schedule. The amateurism clearinghouse team will compile a summary of the violations and penalties assessed according to prescribed penalty schedule for the committee's review prior to each committee's in-person meeting.

The amateurism clearinghouse team will forward cases to the reinstatement staff to determine appropriate reinstatement conditions in the following instances (Division I and II only):

- (1) if the violation(s) is on the penalty schedule but the amateurism clearinghouse team is unable to render a decision because mitigation is present that warrants an additional review, or
- (2) if the violation(s) is not on the penalty schedule.

The student-athlete reinstatement staff will use the summary of facts agreed on by the involved prospective student-athlete or if the prospective student-athlete has not agreed, the facts as rendered by the amateurism clearinghouse finder of fact subcommittee. If additional information is needed, the reinstatement staff and amateurism clearinghouse team will work jointly to gather additional information. As with any request, the reinstatement staff may not render a decision if any fact(s) and/or violation(s) are in dispute.

If a violation is not on the prescribed penalty list or if mitigation is present, the reinstatement staff will review the facts of the case and render a reinstatement decision. The student-athlete reinstatement staff will notify the amateurism clearinghouse staff of the reinstatement decision/condition so the prospect's certification can be completed. If case is reviewed as part of initial process, decision will be forwarded back to amateurism clearinghouse for notification.

Once a decision has been issued involving a violation that impacts eligibility (including decisions by reinstatement staff or decisions assessed from prescribed penalty list), a letter will be sent from the amateurism clearinghouse staff and reinstatement staff outlining relevant amateurism rules and penalties and explaining that continued violations will result in more significant penalties and explaining that continued violations will result in more significant penalties and possible permanent ineligibility.

4. If a reinstatement request involves arguments of learning disabilities, depression, alcoholism, eating disorders or other psychiatric disorders, the case information may be shared with an expert in that field. The expert will review the information and provide an analysis. The analysis provided by the expert will be included in the written record of the case and considered by the staff and committee when reviewing the case.
5. If a reinstatement request contains information or allegations against another NCAA member institution or institutional employee, in order for the allegations to be considered within the reinstatement request, the institution or employee against whom the allegations are made must be provided a copy of all relevant documentation and given 10-business

days to respond to the allegations. If a response is received, the response will be included as part of the case record. If no response is received, the case will be processed and the allegations may be considered by the staff and committee. The institution submitting the reinstatement request should work with the student-athlete reinstatement staff to ensure all relevant information is provided to the institution or employee against whom the allegations are made and to ensure that the 10-day response period is explained.

6. Division I Bylaw 21.6.6.2.3.2.3.1-(a), NCAA Division II Bylaw 21.7.6.4.2.2 and NCAA Division III Bylaw 21.8.6.3.4 authorizes the student-athlete reinstatement staff to act on behalf of the three student-athlete reinstatement committees to apply the eligibility rules of the Association. The student-athlete reinstatement lead administrator shall provide oversight and consultation, when necessary, regarding the eligibility decisions of the staff. In cases where the reinstatement staff provides a level of relief from established case precedent, the reinstatement staff will provide the committee a chance to review decisions made in those cases. If the committee accepts the staff decision, the case will remain published and continue to serve as case precedent. In addition, the committee may archive a case. An archived case would not be considered binding case precedent and would not be published.
7. After the student-athlete reinstatement staff has reviewed the institution's request and has completed its research, the staff may reinstate eligibility immediately, may impose appropriate conditions for reinstatement of eligibility or may conclude that eligibility should not be reinstated.
8. If the next contest involves an exhibition contest, nonchampionship contest or any other contest that may not be used to fulfill a reinstatement condition, once the staff has conducted a cursory review to determine that permanent ineligibility or a complete season penalty is not warranted, the staff may provide partial reinstatement to the student-athlete for the exhibition, nonchampionship or other contest that may not be used to fulfill a reinstatement condition prior to completion of processing the reinstatement request and reaching a final determination if withholding is appropriate.
9. Repayment of an impermissible benefit must be made to the source (if it is the institution) or a charity of the student-athlete's choice. If repayment is made to a charity of the student-athlete's choice, the entity must be a 501(c)(3) tax exempt organization. Further, if the student-athlete is donating to an athletics entity the donation must be made to an entity that he or she will not directly benefit from as well as an entity that the student-athlete has not had any direct involvement (e.g. former athletics team). In addition, repayment must be made by the student-athlete or his or her legal guardian (e.g., fundraising or donations may not be used to repay the benefit). Any limited exception to this must be approved by the student-athlete reinstatement staff or committee. If the reinstatement condition requires

repayment an institution may choose to enter into a repayment plan with the student-athlete. A plan must be approved by the student-athlete reinstatement staff and will be overseen by the institution. If a student-athlete competes while not current with an agreed upon repayment plan, the institution is in violation of NCAA rules and must report that violation to the NCAA reinstatement staff and secondary enforcement staff. Failure to satisfy by a student-athlete to meet the terms of an agreed upon repayment plan after competing under the plan may result in the staff not entering into repayment plans with that institution for a four-year period. Default occurs on a repayment plan on conclusion of the plan if all payment has not been received or the institution may chose to notify the staff that a student-athlete has defaulted and begin the four-year period on notification of default. If an institution wishes to appeal the four-year period, the institution must submit a written request in writing explaining its reason for relief. Any appeal of the four-year period may only be submitted once another situation arises where the institution wishes to enter into a repayment plan. The lead administrator in consultation with the chair, will review the information presented by the institution and determine if relief to the four-year period is warranted. If it is determined that relief is not warranted or that full committee review is needed, the information will be forwarded to the full committee for review. Cases will be reviewed by written record, unless the chair determines a conference call is warranted.

10. The institution may be notified verbally of the reinstatement decision, if necessary, and all decisions shall be confirmed in writing. The following individuals will receive copies of the decision: the director of athletics, the faculty athletics representative, the senior woman administrator, the conference commissioner, if applicable, and the institutional staff member who submitted the request, if not one of the aforementioned persons. The division committees also shall be apprised in writing of all staff decisions that deviate from case precedent within its division regardless of whether the decision is appealed to the division committee.
11. Student-athlete reinstatement requests will be prioritized based on the date of the next contest, the order in which the case was received and the timing of when the violation was discovered. After a case is complete, the staff generally requires 48 hours to complete a thorough review of the information presented. Thus, if a case file is not complete until less than 48 hours prior to competition, the staff may not be able to render a decision prior to the contest. All requests should be submitted to the reinstatement staff in a timely fashion once the violation is discovered in order to ensure a complete review can be conducted prior to the next contest.
12. An institution may ask the staff to reconsider its decision if the institution obtains new information related to the original case (e.g., same transaction, occurrence or series of events). The institution shall submit the information to the student-athlete reinstatement staff who will reopen the case and make a decision based on the new set of facts.

13. For decisions that involve withholding from competition as a condition, the student-athlete must fulfill the reinstatement condition when he or she is otherwise eligible and during one of his or her four seasons of competition.

The competitions used to fulfill a reinstatement condition must be applied as follows:

- a. Team sports – the contests must be among those considered for team selection to the NCAA championship;
- b. Individual sports with separate team championship – the dates of competition must be among those considered for team selection to the NCAA championship;
- c. Individual sports without a separate team championship – the date of competition must be among those used to qualify for the NCAA championship; and
- d. Sports without an NCAA championship – the date must be regularly scheduled.

(Please note scrimmage or exhibition contests may not be used to fulfill a reinstatement condition. In addition, if the next contest in the institution's schedule is part of the NCAA championship or other postseason competition, then the student-athlete must be withheld from those contests.) Also, a student-athlete must fulfill a reinstatement condition when he or she is medically cleared to play by the institution.

14. The student-athlete reinstatement lead administrator and the vice president for membership services have the authority to stay a decision if the following conditions are met: (1) The institution and student-athlete first become aware of the violation within 48 hours of the competition; and (2) case precedent is unclear whether withholding from competition as a condition for reinstatement is warranted. If the staff does grant a stay, the student-athlete will be eligible for competition until the committee's first available opportunity for an appeal call.
15. The student-athlete reinstatement lead administrator in consultation with the division-specific chair has the ability to suspend a reinstatement condition in very limited circumstances if the next contest is the NCAA championship. The general practice is that student-athletes are withheld from the next contests even if the next contests are part of the NCAA championship and that policy remains in place. The ability to suspend is only to be used in limited circumstances where the student-athlete is innocently involved, no competitive advantage was gained and withholding from the championship does not seem appropriate. Further, the suspension can only be used if the student-athlete has eligibility remaining the following academic year.

16. In situations where relief is provided to a student-athlete based on an institutional error or misinformation provided by the institution, a letter will be sent from the student-athlete reinstatement lead administrator to the institution's chancellor/president. The letter will not be punitive in nature but will serve as notification to the institution that relief was provided as a result of institutional error or misinformation.

### **Initial Staff Decision - Other Waivers/Extension Requests**

1. The student-athlete reinstatement committees have the authority to process six types of waivers: Division I Bylaws 14.2.1, 14.2.2 and 30.6.1 (five-year/10-semester waiver), Bylaw 14.2.1.5 (athletics activity waiver), Bylaw 14.2.4 and Divisions II and III Bylaw 14.2.5 (hardship waiver) (independent institutions or appeal of conference office decisions submitted by the conference office); Division I Bylaw 14.2.5 and Bylaw 14.2.6 and Division II and III Bylaw 14.2.6 (season-of competition waiver – competition while ineligible); Division I Bylaw 14.2.6 and Division II and III Bylaw 14.2.7 (season-of-competition waiver – competition while eligible). [The committees will not review an extension request if the NCAA Division I Management Council Administrative Review Subcommittee has already reviewed a request to waive an exception under Bylaw 14.2.1.1(determining the start of the five-year period) or Divisions II and III Bylaw 14.2.2.1 (utilization of semester or quarter) for the involved student-athlete.]
2. For an institution submitting an extension request, a checklist and table have been created to assist the institution in submitting all appropriate and necessary information. These materials can be found on the NCAA Web site or can be sent to the institution via facsimile by the student-athlete reinstatement staff. For waivers other than extension requests, the institution should submit a cover letter explaining its request, a detailed description of the student-athlete's circumstances, an indication of the specific bylaw the institution believes is applicable and appropriate supporting documentation. An application is currently available on the NCAA Web site ([www.ncaa.org](http://www.ncaa.org)) and will be mandatory once the electronic submission database is operational. All student-athletes or prospective student-athletes are required to complete a signed Buckley Statement when an institution requests a waiver from the reinstatement staff. Any exception to this policy must be granted by the lead administrator. Only written materials will be reviewed by the staff and committee. X-rays, photographs, etc. will not be considered.
3. After an institution submits its request, it is assigned to a staff member for review. The staff may request that the institution gather and submit additional information in an effort to meet the standards set by the legislative criteria. Once all materials relevant to the institution's request have been submitted, the staff will make a decision on behalf of the division student-athlete reinstatement committee.

4. If a reinstatement request involves arguments of learning disabilities, depression, alcoholism, eating disorders or other psychiatric disorders, the case information **may** be shared with an expert in that field. The expert will review the information and provide an analysis. The analysis provided by the expert will be included in the written record of the case and considered by the staff and committee when reviewing the case.
5. If a waiver request contains information or allegations against another NCAA member institution or institutional employee, in order for the allegations to be considered within the waiver request, the institution or employee against whom the allegations are made must be provided a copy of all relevant documentation and given 10 business days to respond to the allegations. If a response is received, the response will be included as part of the case record. If no response is received, the case will be processed and the allegations may be considered by the staff and committee. The institution submitting the waiver request should work with the reinstatement staff to ensure all relevant information is provided to the institution or employee against whom the allegations are made and to ensure that the 10-day response period is explained.
6. An institution may ask the staff to reconsider its decision if the institution obtains new information related to the original case (e.g., same transaction, occurrence or series of events). The institution shall submit the information to the student-athlete reinstatement staff who will reopen the case and make a decision based on the new set of facts.
7. In situations where relief is provided to a student-athlete based on an institutional error or misinformation provided by the institution, a letter will be sent from the student-athlete reinstatement lead administrator to the institution's chancellor or president. The letter will not be punitive in nature but will serve as notification to the institution that relief was provided as a result of institutional error or misinformation.
8. In order for a waiver to be processed prior to competition, the waiver must be received one month prior to the date of competition. Further, complete information regarding the waiver must be received one week prior to the first contest.

### **Appealing Staff Decisions to the Student-Athlete Reinstatement Committee**

1. Once an institution has received written notice of the staff's decision, it may appeal this decision to the student-athlete reinstatement committee for the division in which the institution holds membership. The division committee's consideration of an appeal is the

committee's first review of the institution's request, and its decision is final, binding and shall not be subject to review by the Management Council.

2. An institution's full written appeal, including the required form, shall be submitted to the student-athlete reinstatement lead administrator within 30-calendar days from the date on the initial staff decision letter. An appeal request submitted after the 30-day appeal period will not be processed. Exceptions to this policy may be granted by the division chair when an institution is able to demonstrate in writing that exceptional circumstances caused the institution's appeal to be submitted beyond the 30-day appeal period. Exceptions to the thirty-day period may be granted by the lead administrator in cases involving the amateurism clearinghouse. The institution's written appeal of the staff's decision shall be submitted by the chancellor or president (or individual designated by the chancellor/president), faculty athletics representative, senior woman administrator or director of athletics. The institution is required to state in its written appeal the reasons it believes the initial staff decision was incorrect and should be modified or overturned. The student-athlete/prospective student-athlete shall submit a statement and/or information with the institution's request as part of the appeal. The committee requires a minimum of 48 hours to review documentation prior to a teleconference or prior to rendering a decision for a paper review. Exceptions to this policy can be made if the student-athlete reinstatement lead administrator and the committee chair determine that the urgency of the case warrants immediate consideration, and the committee is able to thoroughly review the documentation prior to the call, or in the case of a paper review, prior to issuing a decision.
3. For all appeals handled by the student-athlete reinstatement committee, all factual disputes must be resolved prior to the division committee reviewing the matter. Prior to consideration of the matter, the staff will send copies of the institution's request and the information on which the staff based its decision to the members of the division committee. The institution will receive a copy of the same information. The staff shall provide the institution and division committee with a copy of applicable case precedent prior to the division committee's consideration of the matter.
4. There are two different types of appeals processed by the student-athlete reinstatement committee.
  - a. Reinstatement of Eligibility Appeals. After receiving the institution's appeal, the staff will schedule a teleconference with the appropriate division committee and will advise the institution of the date and time of the hearing. Appeals for reinstatement of eligibility to the division committee are conducted by teleconference call, unless the staff and institution agree that a paper review would be effective. If any member of

- the committee determines that a teleconference is essential in order to make a decision, that member may contact the chair with the request, and a teleconference shall be conducted.
- b. Waivers and Extension Request Appeals. The institution's written appeal should include all materials the institution wishes to be considered by the division committee during its review. The prospective or enrolled student-athlete shall submit a statement and/or information with the institution's request as part of the appeal. Information submitted subsequent to this request for appeal shall not be considered by the committee in its review of the matter, unless the information is newly available to both the student-athlete and the institution or newly existent to both the student-athlete and the institution. This request for appeal shall include a statement indicating whether the institution prefers the committee to conduct the appeal through either a review of the written documentation and correspondence or through a teleconference call. If a teleconference is requested by the institution, it must present sufficient rationale that a teleconference call is essential for the committee to reach a decision in the case. After reviewing the entire case file, the chair of the division committee shall have the authority to determine whether a teleconference call is warranted.
- (1) If the chair determines that a review of the written documentation and correspondence should be used to process the appeal, the staff shall send copies of the documentation and correspondence relevant to the case to the division committee and the institution. On receipt of the case materials, if any member of the division committee determines that a teleconference is essential in order to make a decision, that member may contact the chair with the request and a teleconference shall be conducted.
  - (2) The division committee shall determine, by a majority, whether to uphold or modify the staff's decision. Each member shall contact the chair with his or her vote and the chair will determine whether the majority requirement has been met. The chair of the division committee shall communicate this decision to the student-athlete reinstatement lead administrator. A member of the staff shall then contact the institution with the committee's decision.
5. All committee materials as well as the appeal proceedings are confidential. Institutional representatives and other participants on the call shall maintain the confidentiality of the information discussed as well as the identity of the participants.
  6. For all appeals conducted by teleconference call, at least one of the following institutional representatives must participate in the hearing: chancellor/president (or individual

designated by the chancellor/president), faculty athletics representative, senior woman administrator or director of athletics. In addition, other institutional representatives, including the institution's legal counsel and student-athlete's or prospective student-athlete's legal counsel, may participate. The involved prospective student-athlete or student-athlete is required to participate in this hearing. The teleconference will not proceed if the involved prospective student-athlete or student-athlete is unable to participate in the hearing. The student-athlete reinstatement lead administrator or the student-athlete reinstatement representative(s) who handled the case also shall participate on the call. Also, any members of the enforcement services staff or amateurism clearinghouse staff involved in the case may participate on the call.

- a. Once all parties participating in the hearing have been introduced, the staff has 10 minutes to describe the facts of the appeal, the applicable precedent and the rationale for the staff's decision. The institution has 10 minutes, and the involved prospective student-athlete or student-athlete has 10 minutes to describe the case and explain the reasons for requesting that the staff's decision be overturned or modified. All participants on the call may ask questions of any other participant. Once all questions have been answered, the call will conclude with the staff, institution and student-athlete each providing a closing statement not to exceed five minutes.
  - b. The division committee has the authority not to render a decision if it has questions the committee believes the institution reasonably can and should answer prior to a decision by the committee.
  - c. When the hearing has concluded, the institutional representatives, the involved prospective student-athlete or student-athlete, legal counsel and the staff shall leave the call. It is the responsibility of the student-athlete reinstatement lead administrator to ensure that the tape recording is terminated at that time and all parties except the committee leave the call at the end of the hearing prior to the committee's deliberations. The division committee members shall deliberate in private and reach a decision by majority vote. The chair then shall notify the student-athlete reinstatement lead administrator with the committee's conclusion and the lead administrator or student-athlete reinstatement representative primarily responsible for processing the case shall notify the institution of the result. The decision by the division committee is considered final with no other appeal opportunity and written confirmation of the decision shall be provided by the staff. The division committee may affirm or modify the staff's decision
7. Appealing prescribed penalties and/or a condition imposed by the student-athlete reinstatement staff as part of the amateurism clearinghouse certification (Division I and II

only.) All requirements for an appeal previously noted are in effect as well as the following:

- a. When a prospective student-athlete receives notice of conditions imposed as a result of amateurism violations through the amateurism clearinghouse team, an institution may appeal the decision on behalf of the involved prospective student-athlete. An institution may appeal either a prescribed penalty imposed by the amateurism clearinghouse or a decision reached by the reinstatement staff.
  - b. The institution's written appeal will include all relevant documentation provided from the amateurism clearinghouse team. In addition, an institution should include any additional materials the institution wishes to be considered during its review. (Reinstatement staff may share this additional information with the amateurism clearinghouse team.) Information submitted subsequent to this request for appeal shall not be considered in its review of the matter. (If there is new information, the institution should notify the amateurism clearinghouse team.) If the appeal is a prescribed penalty imposed by the amateurism clearinghouse team, the reinstatement staff will review the facts of the case prior to the appeal being presented to the committee to determine if any of the factors warrant a different decision.
  - c. The reinstatement staff will notify the amateurism clearinghouse of a decision, but the reinstatement staff will provide a decision including committee rationale to institution.
8. Reinstatement decisions issued by the committee and the staff are made based on the record put forward by the institution. If further information becomes available at a later date (e.g., through an enforcement investigation) and the facts of the original decision change, the original reinstatement decision becomes moot and the case will be reopened with a decision rendered on the new facts. Further, in situations involving multiple student-athletes that are part of an ongoing case where the core violation is the same, an institution should attempt to process all reinstatement cases at the same time in order to provide the staff and committee with a complete understanding of the totality of the circumstances
  9. Subsequent to the division committee's decision, an institution may ask the staff to reconsider its decision if it obtains newly discovered, nonrepetitive information that existed at the time of the decision but was not available to the institution and the student-athlete. If the institution receives new information that did not exist when the case was originally submitted, it shall submit the new information to the NCAA staff. If the new information standard is met, the staff will reconsider the case. If the staff does not amend its decision, the division committee chair, on the institution's request, shall review the new information

and may grant a new hearing only after concluding, on review of the written materials, that the new information is of such importance as to make a different result reasonably probable. If a new hearing is granted by the chair, the chair will determine whether the hearing will be a teleconference or a paper review. Subsequent to this determination, all case materials will then be compiled by the staff and sent to the division committee for their review. If the case is to be treated through a paper review opportunity, any member of the division committee, after reviewing the case materials, may request that the chair conduct a teleconference if that committee member believes a conference call is essential in order to make a decision in the case. New teleconference hearings or paper review opportunities shall not be granted solely on the basis of factual occurrences after the initial decision by the division committee.

### **General Student-Athlete Reinstatement Committee Policies**

1. Authority of the Chair. Each division committee has a chair who is selected by the committee and subject to approval by the Management Council. The division committee chair may terminate a hearing at any time if the information is repetitive in nature, substantive new information is introduced, the institution does not believe the facts constitute a violation of NCAA rules or the parties do not stipulate the facts of the case. Individuals who wish to participate in a hearing but are not among the designated participants (institutional representatives, the prospective or enrolled student-athlete and legal counsel) may do so upon approval from the division committee chair.
2. Confidentiality. The vice president for membership services, the student-athlete reinstatement lead administrator and the director of public affairs may confirm whether an eligibility reinstatement request has been submitted, whether a decision has been reached and what that decision is in a particular case. The staff's release of information shall always comport with federal law (i.e., Federal Educational Rights and Privacy Act). The vice president and the student-athlete reinstatement lead administrator have the discretion to prepare a press release on behalf of the NCAA when appropriate.
3. Ex Parte Communications. Members of the committee shall not discuss a pending request for reinstatement or a pending appeal with the student-athlete reinstatement staff, institutional representatives, the prospective or enrolled student-athlete, or his or her legal counsel without all parties having the opportunity to participate. Prior to or after an appeal call, all communication regarding a reinstatement case should be directed to the student-athlete reinstatement staff. Institutions or other interested parties shall not have contact with committee members. Such contact may jeopardize a reinstatement case. The staff may contact division committee members to arrange a teleconference or a paper review of an institution's appeal. When an institution requests reconsideration of a division committee's

decision, the staff may contact the chair of the division committee to provide the information submitted by the institution and the staff's evaluation of it. The staff may also contact the chairs of the division committees regarding procedural matters relevant to processing an institution's appeal. Further, the division committee chairs may contact the staff to request that additional information about the case be obtained.

4. Quorum. A quorum for committee review of appeals shall be three members. If the designated division committee chair cannot participate in the review, he or she will appoint a presiding chair who is from the same division committee. If it is not possible to have the entire division committee hear or review the appeal and it is necessary to do so without delay, the proceeding or review may take place with less than a full committee as long as the quorum requirements are met.
5. Recusal. A committee member or student-athlete reinstatement staff member shall recuse himself or herself from participating in proceedings (e.g., representing his or her institution or deliberating as a committee member) connected with a reinstatement case when he or she is directly connected with the involved institution, including, but not limited to, a member of the committee member's institution or institution's conference. A committee or staff member with a personal relationship or institutional affiliation that reasonably would result in the appearance of bias or prejudice should refrain from participating in any manner in the processing of a reinstatement appeal or waiver/extension request appeal. It is the responsibility of the committee or staff member to remove himself or herself if a conflict exists. Institutional objections to a committee or staff member participating in a review of a case should be raised with and resolved by the chair or the most senior member of the committee as soon as recognized but will not be considered unless the concern is raised prior to the scheduled hearing. Exceptions to the recusal policy may be granted by the chair or most senior member of the committee due to time constraints.
6. Revision of Procedures. The committee has the authority to revise the procedures governing reinstatement requests, waivers and extension requests, as well as the applicable appeal procedures for each, at any time, subject to Management Council or the Academics/Eligibility/Compliance Cabinet Subcommittee's approval.
7. Voting. In order for the committee to take action, a majority vote (for reinstatement appeals and waiver/extension request appeals) of those members who have agreed to hear or review the appeal is required. In the event of a tie vote, the initial decision of the staff shall be considered to have been upheld, and the institution's appeal shall be denied. Vote tallies of decisions are private and will not be provided to the media or the involved institution.

8.   Taping. Each teleconference appeal shall be tape-recorded; however, the committee's deliberations, subsequent to the hearing, shall not be tape recorded. Copies of the recordings shall be maintained by the student-athlete reinstatement lead administrator for a seven-year period. The chairs of the division committees who hear the appeal have the authority to instruct the student-athlete reinstatement lead administrator to forward a copy of the tape or a transcript of the proceedings to any other NCAA committee that has a legitimate purpose for requesting access to the proceedings.
  
9.   Flow of Information. All materials relevant to the consideration of a reinstatement request, waiver or extension request, or an appeal to the committee shall be submitted to the staff through the institution by institutional officials. The involved student-athlete or prospective student-athlete, as well as his or her legal counsel, shall work through the institution in preparing and submitting its request or appeal. Information submitted directly to the staff shall be sent to the institution for it to determine whether the information should be included in its request or appeal. It is the responsibility of the institution to advise the prospective student-athlete or student-athlete of the reinstatement process, which includes explaining the staff's and committee's decision.
  
10.   Materials for appeal call. All materials provided to the committee as part of an appeal call are confidential and will be used only for the purpose of the appeal call. At the conclusion of an appeal call, each committee member will discard all materials for the call and the complete file of the case will be maintained at the NCAA national office.
  
11.   Publication of Decisions. All actions on behalf of or by the committee shall be reported to the NCAA membership via the Web site on a regular basis in a manner that does not identify the names of the institutions or the student-athletes.
  
12.   Archiving Case Precedent. The committee has the ability to archive cases based on a change in committee philosophy (with appropriate notice given to the membership) or based on the decision date of a case (i.e., cases decided prior to a given date are designated as archived). Cases shall be archived by the staff every five years. The archived cases serve only as a historical resource to the membership and staff. The staff may provide archived cases to the membership for use within the reinstatement process or for other NCAA purposes (e.g., NCAA Committee on Infractions).