

**NCAA DIVISIONS I AND III SUBCOMMITTEE FOR LEGISLATIVE RELIEF
(SLR, FORMERLY ARS); NCAA DIVISION II COMMITTEE FOR LEGISLATIVE RELIEF
(CLR, FORMERLY ARS) WAIVER APPLICATION
PURSUANT TO NCAA CONSTITUTIONS 5.4.1.3 (Division I) and 5.4.1.7 (Divisions II and III)**

Waiver application must be received within three weeks of desired event or action.

This application must be completed before the (Sub)Committee for Legislative Relief (CLR/SLR, formerly ARS) will process the request (except for an urgent/unforeseen request processed as a phone waiver). CLR/SLR will only consider an appeal of the application of NCAA legislation when no other committee, subcommittee or conference has the authority to act. In addition to the required information, it is the responsibility of the institution to submit any information that it believes is relevant to the consideration of the waiver request at the time the waiver request is submitted. The (sub)committee may also request additional pertinent information prior to the final consideration of this case. Please review the CLR/SLR policies and procedures prior to submitting this application [www.ncaa.org >> Legislation & Governance > Eligibility & Recruiting > Sub(Committee for Legislative Relief Waivers (SLR/CLR), formerly known as ARS].

The philosophy of the (Sub)Committee for Legislative Relief is to review requests to waive the normal application of the legislation while considering the following to determine if relief is appropriate;

- The purpose or intent of the legislation.
- The involvement and the overall well-being of the student-athlete.
- A competitive or recruiting advantage.

Fax (please do not e-mail) completed requests to Vanessa Fuchs, NCAA associate director of academic and membership affairs, to 317/917-6881. Please call the NCAA academic and membership affairs staff at 317/917-6003 if you have questions regarding a potential CLR/SLR waiver request. The academic and membership affairs staff will contact your institution within 48 hours once your waiver request has been assigned to a staff member. Typed requests are preferred. Note: Depending on the circumstances of the waiver request, some of the questions below may not be applicable.

1. Name of applicant institution or conference: _____

Division: _____

Name of applicant institution's conference: _____

2. Name of SA, PSA, coach or team waiver request is for: _____

3. Please indicate whether the student is a prospective or an enrolled student-athlete.

Prospective student-athlete [NCAA Bylaws 13.02.11 (I), 13.02.9 (II) 13.02.5 (III)]: (check)

Social Security Number (*for transfer requests only*): _____ Sport(s) _____

Enrolled student-athlete [Bylaws 13.02.5 (I and II), 13.02.3 (III)]: (check)

Social Security Number (*for transfer requests only*): _____ Sport(s) _____

Please check the student-athlete's initial-eligibility certification status:

Division I: Qualifier Nonqualifier Never registered/certified by Eligibility Center

Division II: Qualifier Partial Qualifier Nonqualifier Never registered/certified by Eligibility Center:

Was the student-athlete recruited by applicant? [Bylaws 13.02.12.1 (I), 13.02.10.1 (II), 13.02.6.1 (III)]:

Yes No If yes, include date when recruitment began _____

Was the student-athlete recruited by institutions previously attended? Yes No [Bylaws 13.02.12.1 (I), 13.02.10.1 (II), 13.02.6.1 (III)]: Institution(s): _____

Will the student-athlete receive athletics aid at applicant institution: Yes No

Date of initial full-time collegiate enrollment (at any collegiate institution): _____

Date of initial collegiate full-time enrollment at applicant institution (if different): _____

If waiver involves pending competition (e.g., in season), please list the dates of the next three scheduled intercollegiate contests/dates of competition for student-athlete/team (if contests are away-from-home, please note the time/date the team will depart campus). NOTE: It cannot be guaranteed that a student-athlete will not miss competition while the waiver request is under review by the staff/(sub)committee.

_____ ; _____ ; _____

4. If the institution has contacted NCAA staff regarding the issue of the waiver request, please list the following:

a. NCAA staff person: _____

b. Date(s) of conversation: _____

5. List in chronological order the student-athlete's or prospective student-athlete's educational and participation history (include full-time and part-time enrollment).

Academic Year/ Term	Institution	Part Time	Full Time	Two-Year College (check)	Four-Year Institution (Specify DI, DII, DIII, NAIA, Other)	Practiced? (check)	Received Athletics Aid? (check)	Competed? (check)

6. Cite of applicable legislation and/or interpretation that the institution requests be waived: _____

Please note that legible copies of official academic transcripts from all previous institutions attended are required to be submitted for waivers of the transfer requirements (Bylaw 14.5).

7. Facts/chronology/background information:

8. Reason(s) for requesting waiver/extraordinary circumstances: _____

9. *Please comply with the checklist found on Page Nos. five through nine for waivers involving specific circumstances/bylaws.*

10. Primary institutional contact person: _____
Name/Position (please print)

Work Telephone Number

Mobile Telephone Number

E-mail Address

11. Please list any CLR/SLR precedent cases that applicant has determined to be relevant to this request:

12. Signatures (including date) for institutional submission (any **two** of the following). Please note that stamp signatures will not be accepted.

Please note that by submitting and approving this application, the institution acknowledges that the legislation cited by the institution is applicable and that all interpretative issues have been resolved.

Chancellor/President (date)

Director of Athletics (date)

Faculty Athletics Representative (date)

13. If the conference is submitting this request, signatures for conference submission (both of the following required). Please note that stamp signatures will not be accepted.

Please note that by submitting and approving this application, the institution and conference acknowledge that the legislation cited is applicable and that all interpretative issues have been resolved.

Commissioner/Executive Director (date)

Conference Officer (date)

14. Signature of NCAA (sub) committee chair or member. Please note that stamp signatures will not be accepted.

(Sub) Committee Chair (date)

(Sub) Committee Member (date)

For waivers involving student-athletes who are currently enrolled at the applicant institution or will be transferring from or to the applicant institution, please have the student-athlete complete the following:

Buckley Statement. I give my consent to disclose to authorized representatives of this institution, its athletics conference (if any) and the NCAA any documents or information pertaining to my NCAA eligibility. Additionally, I give my consent to the NCAA to disclose my name and personally identifiable information from my education records to a third party (including but not limited to the media) as necessary to explain the NCAA decision regarding this waiver request without such disclosure constituting a violation of my rights under the Family Educational Rights and Privacy Act.

Signature (student-athlete): _____

Date: _____

CHECK LIST FOR CLR/SLR WAIVER REQUESTS

Please review all of the CLR/SLR waiver guidelines, information standards and directives currently available on the NCAA Web site (www.ncaa.org) >Legislation & Governance > Eligibility & Recruiting > Sub(Committee for Legislative Relief Waivers (SLR/CLR), formerly known as ARS.

Legible academic transcripts are required to be submitted for waivers of the transfer requirements (Bylaw 14.5).

DIVISIONS I, II AND III

If an institution claims that a student-athlete has compromised his or her eligibility through **misinformation provided by an institutional or NCAA staff member**, the following information must be provided (10/99).

- A written statement of explanation summarizing the information given to the student-athlete from the person or persons responsible for or alleged to have provided the erroneous information.
- If available, contemporaneous documentation demonstrating the misinformation (e.g., notes, phone logs).
- A written statement from the student-athlete demonstrating whether the student-athlete relied in good faith on the erroneous information to his or her detriment. The statement should include a chronology of events relating to the case.

NOTE: For cases involving misinformation, a lack of information or institutional error in which a student-athlete(s) is detrimentally impacted by the actions of institutional personnel, if the applicant institution benefits (request is granted) as a result of the circumstances, then the chancellor or president of the applicant institution will be notified by letter from the staff detailing the chronology of the institution's/individual's actions.

For waivers involving **injury or illness as mitigation**, the following information must be included (10/99).

- Written documentation from the professional who diagnosed the condition of the student-athlete or the student-athlete's family member.
- Where appropriate, the institution must provide contemporaneous medical documentation from the treating professional.
- The involved student-athlete must provide a written statement explaining the need for relief from the legislation.

For waivers involving **financial hardship as mitigation**, the following information must be included (10/99).

- Documentation substantiating the financial difficulty (e.g., bankruptcy, layoff, death in family).
- Demonstration that the financial hardship has a direct link to warranting relief from the legislation (e.g., student-athlete was forced to transfer to work and support family).

For waivers involving a student-athlete with a **learning disability**, which is relevant to the desired relief, the following documentation must be included (10/00).

- A copy of the student-athlete's professional diagnosis (e.g., psychological assessment, psycho educational evaluation, physician's statement).
- A statement from the student-athlete regarding his or her disability and its relation to the desired request for relief.
- In a transfer situation, the applicant institution must demonstrate that the student-athlete needed accommodations that were unavailable at the previous institution and are available at the applicant institution.

For waivers involving a student-athlete who has **transferred for academic reasons** and would like to waive the residence requirement, the following documentation must be included (10/00).

- The institution to which the student-athlete is transferring shall provide documentation indicating that it offers the desired program and that the student-athlete has completed the necessary prerequisite courses for admission into the program.
- Provide documentation that the student-athlete has the necessary credit hours to meet progress-toward-degree requirements at the institution.
- Provide the student-athlete's projected/expected graduation date at applicant institution (term/year).
- If transferring due to an academic program being discontinued and the student-athlete does not meet the one-time transfer exception, a letter from the dean or appropriate academic authority at the discontinued academic program institution documenting that the program has in fact been discontinued.

For waivers involving **assertions regarding another member institution's or conference's conduct or actions as a basis for relief**, the following policy will be applied (07/03).

If an applicant institution or conference includes statements or assertions regarding another member institution's or conference's conduct or actions as a basis for relief, the applicant institution will be required to submit all application materials and supporting documentation to the member institution(s) or conference cited as part of the allegations. The applicant must give the member institution(s) 10-business days for the chancellor or president, director of athletics, faculty athletics representative, senior woman administrator or in the case of a conference, the commissioner, to respond in writing to the subcommittee and provide a copy of the response to the applicant. The response will be included in the applicant institution's materials for review. If the application materials involve a specific student-athlete(s), the staff is unable to provide applicant's application materials or supporting documentation to another member institution without a written release from the student-athlete(s) according to federal law (i.e., Federal Educational Rights and Privacy Act). [Note: Applicant should not submit waiver materials to the previous institution until directed to do so by the staff.]

DIVISION I

For waivers involving **Division I Bylaw 14.1.9 (graduate student/postbaccalaureate participation)**, the following documentation must be included (04/07).

- A letter from the previous institution (e.g., athletics director, faculty athletics representative, chancellor, president) stating it does not object to the student-athlete being immediately eligible;
- Documentation from the appropriate academic authority that the student-athlete has been accepted into a specific graduate program at the institution to which he or she wishes to transfer;

- Documentation indicating whether the specific graduate degree is available at the previous institution; and
- A statement from the student-athlete detailing the reasons for the transfer.

For waivers involving **Division I Bylaw 14.2.3.2 (tennis, swimming and diving and volleyball) and international mandatory military service**, the institution must provide the information listed below. Please also visit the SLR webpage for additional information regarding the guidelines for these waiver requests.

1. Mandatory military service requirement must be supported by objective documentation [e.g., service enlistment date, service discharge date, attendance report that includes all leave time taken by the student-athlete to practice, train and/or compete in his or her sport];
2. Date of high school graduation as determined by the NCAA Eligibility Center. [Note: If the individual never received an amateurism certification from the Eligibility Center, then the institution must determine the date of high school graduation as defined and required in Bylaw 14.2.3.2];
3. Certification that the individual's participation since graduation from high school was amateur in nature. There can be no amateurism violations as a result of the individual's participation (including during the one-year grace period);
4. Documentation related to the amount of competition the individual participated in during each year that the student-athlete was subject to the legislation. This documentation must include the actual dates of competition on which the individual competed as opposed to the dates of the scheduled events in which the student-athlete competed;
5. Documentation that the individual immediately enrolled as a full-time student at a collegiate institution at his or her first opportunity on being discharged from mandatory military service; and
6. Additional documented mitigation (e.g., circumstances outside of the individual's or institution's control), if any, related to why relief is warranted from the tennis and swimming and diving legislation.

For waivers involving Division I **Bylaw 16.8.1.2.1 (departure/return expense restrictions)**, the institution must document whether the following circumstances exist (06/06). Please see guidelines on SLR webpage for additional information.

- Minimal to no missed class time AND minimal to no missed campus time, even if scheduled class time is not being missed in excess of the 48-hour/36-hour period;
- Extreme cost savings that would result from leaving before the permissible departure or beyond the return time with a comparison of cost savings conducted on the same day; or
- Limited availability of flights as a result of the institution's location, to the degree that the team is forced to leave before the allotted time.

DIVISION II

For waivers involving **Division II Bylaw 14.2.4.2 (organized competition prior to enrollment)**, the institution must provide the information listed below. Please see guidelines on CLR webpage for additional information.

- Documentation related to the actual number of contests (for team sports) or dates of competition (for individual sports) that subjected the prospective student-athlete to the rule (including dates);
- Documentation related to the total amount of competition the prospective student-athlete participated in during the delayed period (including contests that subjected the prospective student-athlete to the rule and contests that did not subject the prospective student-athlete to the rule);
- Documentation related to the total amount of compensation (e.g., salary, actual and necessary expenses, prize money) received by an individual, his or her teammate(s) (team sports) or other individual(s) participating in an event (individual sports); and
- Documentation related to why the prospective student-athlete delayed collegiate enrollment.

DIVISION III

NCAA Division III Bylaw 14.2.4.1.2: Pending Subcommittee for Legislative Relief Waiver.

In accordance with NCAA Division III Bylaw 14.2.4.1.2 (adopted August 28, 2008), a **transfer** student-athlete (Bylaws 14.1.9 and 14.5) who has a Subcommittee for Legislative Relief waiver request pending at the staff and/or subcommittee level may practice, but not compete, after the first contest or date of competition in the **traditional segment** in the student-athlete's sport without using a season of participation.

A student-athlete may use such exception to continue practicing with his or her team only after the staff has notified the institution both verbally and in writing (i.e., e-mail) that the staff has received the institution's completed waiver application and relevant supporting documentation.

Further, a student-athlete may practice until a decision has been reached on the waiver request by the Division III subcommittee (or the NCAA staff acting on behalf of the Division III subcommittee). If the student-athlete's waiver request is denied, the institution shall, on verbal and written notification from the staff, immediately prohibit the student-athlete from participating in further practice with his or her team.

If the student-athlete's institution appeals the denial, the institution may permit the student-athlete to resume practicing with his or her team only on verbal and written notification from the staff that it has received the institution's request for appeal. If the subcommittee denies the institution's appeal, the student-athlete must cease practicing immediately on receiving verbal and written notification from the staff that the appeal has been denied.

An institution may permit a student-athlete to continue to practice after the denial of the student-athlete's waiver request at the staff and/or subcommittee level; however, the student-athlete will be charged with the use of a season of participation if the decision is made to permit the student-athlete to continue practicing.

For waivers **Division III Bylaw 14.1.9** (graduate student/postbaccalaureate participation), member institutions will need to demonstrate, at a minimum, a student-athlete's compelling and exemplary academic success by:

- Providing supporting documentation that the student-athlete graduated ahead of schedule (i.e., in less than four years); such documentation shall be in the form of the student-athlete's academic transcript and/or a written statement from an appropriate academic official (e.g., registrar);

- The student-athlete continued/maintained his or her education as a full-time student rather than having “breaks” (e.g., part time) in enrollment for no reason/circumstances beyond his or her control; and
- The student-athlete’s excellent collegiate academic record (i.e., minimum 3.000 cumulative grade-point average).

The staff and subcommittee will review these waiver requests on a case-by-case basis and also will consider extenuating or extraordinary circumstances (e.g., circumstances outside of the student-athlete’s control such as injury or illness). The subcommittee determined that a student-athlete must present two years or more in which an incapacitating injury or illness prevented him or her from participating in intercollegiate athletics in order to be granted a graduate student transfer waiver. Documentation must be provided demonstrating that a medical physician diagnosed the student-athlete’s injury or illness as incapacitating and, as a result, the student-athlete was unable to participate in athletics for the year in which the injury or illness was sustained.

In addition, based on the NCAA Division III Presidents Council’s direction, the subcommittee has determined that waiver requests solely based on the unavailability of the student-athlete’s graduate-degree program at the previous institution will not result in waiver relief. Further, waiver requests solely based on the student-athlete’s nonparticipation in athletics prior to transferring to an NCAA Division III graduate school will not result in waiver relief. (04/08)