

LEGISLATIVE RELIEF WAIVERS

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LEGISLATIVE RELIEF WAIVERS

- Established to provide flexibility with regard to NCAA legislation.
- No other specified staff or committee.
- Proactive waivers, requesting relief before a circumstance/event occurs.
- Cannot waive violations.
- Approximately 1,600 legislative relief waivers filed in 2014 (Divisions I, II and III combined).

WHAT IS NOT A LEGISLATIVE RELIEF WAIVER?

- Full-time enrollment.
- Hardship waivers.
- Season-of-competition waivers.
- Initial-eligibility waivers.
- 2-4 and 4-2-4 transfer waivers.
- Progress-toward-degree waivers.
- Extension of five-year clock.*

IS A LEGISLATIVE RELIEF WAIVER NECESSARY?

- What specific legislation/interpretation is prohibiting the circumstances desired within the waiver?
- Within that legislation, is there a designated group with waiver authority?
- Previously approved waivers.
- Incidental expenses waivers.

WHAT SHOULD BE SUBMITTED?

- Completed NCAA Division I Committee for Legislative Relief (CLR) waiver submission via RSRO.
 - Buckley Statement.
- Complete set of facts/chronology.
- Legible official transcripts.
- Supporting documentation.
- Prohibitive bylaw cites.
- CLR case precedent.

ANALYSIS

- Extenuating or extraordinary circumstances.
- Student-athlete (SA) well-being.
- Intent of the legislation.
- Recruiting/competitive advantage.
- Guidelines.
- CLR case precedent.

INTERPRETATIONS PHILOSOPHY

- Goal is increased decision making and more shared responsibility.
- Increase institutional autonomy.
- Examine and reduce rules that are inconsequential and/or difficult to enforce.
- Increase SA success.
- Interps philosophy used on the "front end."

TEMPORARY REVIEW PROCESS

- NCAA Division I Leadership Council granted staff authority to consider extenuating circumstances and exercise reasonable discretion.
- Similar to interpretations philosophy but applies flexibility to waiver outcomes.

TEMPORARY REVIEW PROCESS

- Applies to waivers involving:
 - Health and safety of a SA;
 - Penalty would likely have a significant negative impact on SA well-being;
 - Prospective or enrolled SA who has served active duty in military or delayed enrollment due to religious mission(s);
 - Potential significant withholding or application of the penalty is disproportionate or otherwise inconsistent with the intent of the legislation; and
 - Nominal or inconsequential benefits to SAs.

4-4 TRANSFER

- No longer seeking a waiver for immediate eligibility.
- Potential sixth year on clock.
- Extension analysis similar to current analysis for immediate eligibility.
- Must have mitigation for transfer.

4-4 TRANSFER

	Scenario 1	Scenario 2	Scenario 3	Scenario 4	Scenario 5
First DPO	Transfer*	Redshirt	Transfer*	Transfer*	Injury
Second DPO	None	Transfer*	Injury	Transfer	Injury
Waiver Type	LRW	LRW	LRW	LRW	SAR

*Must have mitigation for the transfer.

URGENT WAIVERS AND PHONE WAIVERS

- For unforeseen events or circumstances.
- Institutions may call 317/917-6144 and indicate they have a potential CLR phone waiver request.
- Phone waivers do not eliminate the need to submit a waiver.

BEST PRACTICES

- Search CLR case precedent on LSDB/ and RSRO.
- See CLR website to view tips for searching precedent. www.ncaa.org/compliance/waivers/legislative-relief-waivers
- Call 317/917-6144 to contact legislative relief staff about a pending waiver.
- File waiver at the time it is discovered that a waiver is necessary.

CASE STUDY NO. 1 - FACTS

- Zack is scheduled to make an official visit to Bayside University on Friday.
- Thursday, Zack notified Bayside that his mother can no longer take time off from work to attend the visit with him.
- Instead, Zack would like to bring his Uncle Richard.
- Bayside would like to treat Uncle Richard like a permissible family member for the official visit.

CASE STUDY NO. 1 - ASSERTIONS

- Zack's father has never been a part of his life.
- Uncle Richard has been the only father-figure in Zack's life that he has ever known.
- Zack's mother will not be able to attend any official visits and Uncle Richard will likely attend any future visits as well.

CASE STUDY NO. 1 - OUTCOME

- Granted.
- Staff noted that Zack's mother is unable to attend the current visit and will not attend any future visits.
- Additionally staff noted that Zack's Uncle Richard has been a father-figure his whole life and will attend future visits as well.



CASE STUDY NO. 2 - FACTS AND ASSERTIONS

- A.C. is a phenomenal baker.
- Initially, A.C. baked only for family and friends but in 2011, he decided to start his own bakery.
- 2013-14 academic year: A.C. enrolled at Bayside.
- In December 2014, A.C. won several awards for best tasting and best decorated cake.
- As a result, Bayside would now like A.C. to be able to promote his baking business. May he do so?

CASE STUDY NO. 2 - OUTCOME

- Interpretive Flexibility?
- No.
- The legislation is clear and A.C. may not use his name, image, or likeness to promote a commercial product.

CASE STUDY NO. 2 - OUTCOME



- CLR Waiver?
 - Granted.
- Conditions:
 - No reference to A.C.'s involvement in athletics;
 - Bayside may not be involved in any way; and
 - Compensation is at a commensurate rate.

CASE STUDY NO. 3 - FACTS

- May 2012: Kelly graduated from high school.
- 2012-13: Kelly's one-year grace period.
- March 2013: Kelly went on a two-year church mission and returned in March 2015.
- April 2 and April 9, 2015: Kelly played in what she believed to be pick up soccer games with her high school friends.
- Summer 2015: Kelly will enroll at Bayside.

CASE STUDY NO. 3 - ASSERTIONS

- Kelly was required by her church to serve a two-year church mission prior to turning 20-years old.
- Kelly had no idea playing pick-up soccer matches with some friends would cost her a season of eligibility.
- Kelly said she played in the games just to get "a little exercise."
- No one at Bayside ever informed Kelly that she should not compete after returning from her mission.

CASE STUDY NO. 3

- NCAA Eligibility Center (EC) Certification: Kelly is charged one season of competition and must serve an academic year of residence.
- Bayside requests that Kelly be immediately eligible and retain four seasons of competition.
- What happens next?



CASE STUDY NO. 3

- If compelling mitigation exists, then Bayside may submit a CLR waiver to seek full relief.
- Compelling mitigation may include:
 - Facts and assertions outside the scope of the legislation;
 - Low level/noncompetitive competition;
 - Chronology of events;
 - Whether Kelly enrolled after first opportunity after delay period;
 - Whether Kelly was misadvised; and
 - Kelly already served a significant penalty.

CASE STUDY NO.3 - OUTCOME

- Starting Point: One-for-one withholding (two contests) based on EC certification.
 - If the number of contests/dates of competition is less than or equal to 50% of the NCAA Bylaw 17 maximum limitations, the starting point is a 1-for-1 withholding.
- CLR Relief?
 - Via CLR waiver relief: Kelly received full relief and was not required to serve an academic year in residence nor required to sit two contests.

CASE STUDY NO. 4 - FACTS

- March-June 1998: Lisa's mother was treated for depressive and anxiety disorder.
- 2005-06 academic year: Lisa completed grade nine.
- 2006-07 academic year: Lisa completed grade 10.
- 2007-08 academic year: Lisa failed grade 11.
- April-July 2008: Lisa's mother was treated for back spasms.
- 2008-09 academic year: Lisa completed grade 11.

CASE STUDY NO. 4 - FACTS

- June 2009: Lisa's expected date of high school graduation.
- July 2009: Lisa 's mother was treated for severe adaptive disorder with mixed swings of emotions.
- 2009-10 academic year: Lisa failed grade 12.
- 2010-11 academic year: Lisa completed grade 12. Lisa competed in 25 basketball contests.
- 2011-12 academic year: Lisa competed in 25 basketball contests.

CASE STUDY NO. 4

- EC Certification: Lisa used two seasons of competition and must serve an academic year of residence.
- Bayside would like Lisa to retain four seasons of competition and be immediately eligible for competition.



CASE STUDY NO. 4 - OUTCOME

- Using Temporary Review Process (TRP), staff provided flexibility.
- Lisa must be withheld from the first 50% of the maximum limitations in women's basketball.
- SA well-being:
 - Chronology of events supports the necessity for Lisa to delay enrollment;
 - Lisa was required to provide care-giving responsibilities; and
 - Lisa enrolled at the first opportunity after her mother's mental health improved.

CASE STUDY NO. 5 - FACTS

- February 2014: Screech signed a National Letter of Intent (NLI).
- Summer 2014: Screech received athletics aid for summer classes.
- July 8, 2014: Screech suffered a back injury and can no longer participate in athletics.
- Bayside would like to provide Max, a walk-on SA, with the athletics aid Screech would have received.

CASE STUDY NO. 5 - ASSERTIONS

- Screech participated in only a minimal amount of summer conditioning; and
- Screech was medically disqualified from participating in athletics.



CASE STUDY NO. 5 - OUTCOME

- Using TRP, staff provided flexibility.
- SA well-being:
 - Screech is medically disqualified moving forward;
 - No competitive advantage gained to award athletics aid to Max, a walk-on SA; and
 - Minimal amount of participation by Screech during summer 2014.

CASE STUDY NO. 6 - FACTS

- November 13, 2014: Jessie signed a NLI for the 2015-16 academic year.
- December 13, 2014, and February 28, 2015: Jessie dislocated her shoulder on two separate occasions during high school basketball competition.
- March 10, 2015: Jessie was diagnosed with a labral tear in her left shoulder. Jessie's physician recommended surgery to repair her shoulder.
- March 16, 2015: Jessie was admitted to Bayside.

CASE STUDY NO. 6 - ASSERTIONS

- 2015 summer term: Jessie plans to enroll at Bayside.
- Jessie's recovery from surgery will take approximately six-to-nine months of intense physical therapy.
- Jessie's medical insurance does not cover the medical and rehabilitation services provided by Bayside's physician.

CASE STUDY NO. 6 - OUTCOME

- Using TRP, staff provided relief to allow Bayside to pay for Jessie's medical expenses prior to her enrollment.
- Jessie signed a NLI and has been admitted to Bayside;
- Jessie 's injury occurred after she signed the NLI; and
- Jessie 's family is unable to afford her surgery.



CASE STUDY NO. 7 - FACTS

- Violet's mother is unable to work due to multiple, ongoing health conditions.
- Violet's father is the primary source of income for the family. However, Violet's father was recently incarcerated.
- Bayside would like to "provide" for Violet's family.
- Permissible?

CASE STUDY NO. 7 - ASSERTIONS



- Violet's mother and four younger siblings temporarily live in a housing shelter.
- Bayside would conduct a permissible fundraiser for Violet and her family to help provide funds.
- Specifically, Bayside would like to provide Violet's family with rent and miscellaneous expenses.

CASE STUDY NO. 7 - OUTCOME

- Using TRP, staff granted flexibility.
- Conditions:
 - Bayside may provide reasonable actual and necessary expenses for a limited time period until Violet's family receives proceeds from the fundraiser;
 - Proceeds must be designated for a specific purpose;
 - Receipts must be kept on file by institution; and
 - Bayside may not engage in recruiting activities with Violet's siblings or other family members.
