William & Mary Athletics

Hearing Policies and Procedures for NCAA Transfer Regulations

Under NCAA bylaws, the College of William and Mary (hereinafter “College”) is permitted to deny a student-athlete’s request to permit any other institution to contact the student-athlete about transferring.

NCAA Bylaw 13.1.1.3.1 provides that if an institution denies such a request, or if the institution delays a response to the request or indicates that permission will be granted at a later date, the institution shall inform the student-athlete in writing that he or she, upon request, shall be provided a hearing conducted by an institutional entity or committee outside of the athletics department (e.g., a committee composed of the faculty athletics representative, student-athletes and nonathletics faculty/staff members). The NCAA requires institutions to have established reasonable procedures for promptly hearing such requests.

Under NCAA bylaws, a student-athlete who is transferring may make a request that his or her previous institution certify in writing that it has no objection to the student’s being granted an exception to the transfer-residence requirement. Under those same bylaws, the College may deny the student-athlete’s request to waive application of the transfer-residence requirement under the one-time transfer exception.

NCAA Bylaw 14.5.5.2.10(d) provides that if an institution denies such a request for a release, the institution shall inform the student-athlete in writing that he or she, on request, shall be provided a hearing conducted by an institutional entity or committee outside of the athletics department (e.g., a committee composed of the faculty athletics representative, student-athletes and nonathletics faculty/staff members). The NCAA requires institutions to have established reasonable procedures for promptly hearing such requests.

In accordance with Bylaws 13.1.1.3.1 and 14.5.5.2.10(d), the College has set out the following procedures for such hearings.

- The College shall appoint and maintain a Hearing Committee on Enrollment (hereinafter “Committee”) for the purposes of hearing and reviewing cases related to NCAA transfer regulations. The Committee shall be the sole and final arbiter of the dispute, and the decision of the Committee shall be binding.
  - The Committee shall consist of five (5) members, with four (4) to be appointed by the Provost or designee of the College. The members may include faculty and staff from any department of the College (undergraduate programs, graduate schools, Financial Aid office, Athletic Department, etc.), but at no time shall there be more than one Committee member from the same department.
  - The fifth, and permanent, member of the Committee shall always be held by the Associate Provost for Enrollment.
  - The Committee shall be named by or before July 1, 2009. On June 30, 2010, two members will be relieved of their duties and the Provost or designee shall assign two new members to serve from July 1, 2010 through June 30, 2012.
  - Two remaining appointees assigned on July 1, 2009 will serve until June 30, 2011 at which time they will be relieved of their duties and the Provost or designee shall appoint two new members to serve a two year term beginning July 1, 2011 through June 30, 2013.
  - The Committee shall be required to meet only as necessary when faced with the hearing request of a student-athlete.
When such a request is made, the Committee is responsible for reviewing the case and all related documentation prior to the actual hearing.

After notification of the denial of a student-athlete’s request for permission to contact to another institution or for release from the transfer-residence requirement, the student-athlete shall have fifteen (15) business days to request a hearing.

- The student-athlete must make such a request in writing to the College’s Faculty Athletics Representative.
- Copies of the student-athlete’s written request for a hearing must be kept on file in the Athletic Department’s Compliance Office.

Upon receiving the student-athlete’s written request for a hearing, the College shall have fifteen (15) business days from the receipt of the request to provide a hearing.

- The date and time of the hearing shall be communicated to the student-athlete in writing, both through use of the student-athlete’s College mailbox or mailing address on file with the College and e-mail.
- It is understood that the student-athlete will make every attempt to be present at the scheduled hearing.

- Should the student-athlete be unable to appear before the Committee in person (e.g., if the student-athlete is away from campus during a vacation period) and the student-athlete does not wish to postpone the hearing, the Committee and the student-athlete may conduct the hearing through the means of a telephone conference.

Prior to the hearing (five business days), the student-athlete shall submit to the Committee a written statement and supporting documentation including his or her arguments why the denial of his or her request was improper; also prior to the hearing (five business days), the Director of Athletics shall submit to the Committee a written statement and supporting documentation including the reasons for the denial of the student-athlete’s request.

The hearing shall be held in front of a minimum of three Committee members. Both the student-athlete and the Director of Athletics, or his or her designee, shall receive an opportunity to make oral arguments in front of the full Committee.

- Each party shall have ten (10) minutes to present their position.
- The Director of Athletics, or his or her designee, shall offer remarks first. The student-athlete will follow.
- After the conclusion of each party’s comments, the opposing party shall have three (3) minutes to respond/rebut. Under this structure, the student-athlete will have the opportunity to make the final statement to the Committee.
- Either party may waive his or her right to a response or rebuttal. However, if the Director of Athletics waives his or her right to rebut, then the student-athlete will not be afforded an opportunity to rebut, since he or she has just been heard by the Committee and in effect was afforded the right to rebut when responding to the Director of Athletics’ chief argument.

At the conclusion of the oral arguments, the parties will be dismissed by the Committee.

The Committee will then discuss the merits of both sides and will arrive at a decision.

The Committee has three (3) business days, or the balance of the fifteen (15) days remaining from the time the student-athlete made the written request for the hearing, whichever is earlier, to render a decision. The decision must be communicated, in writing, to the Director of Athletics and the student-athlete.

In the event of a split vote between four committee members present, the written statements of each party will be sent to the fifth committee member not present and he/she will make the fifth and deciding vote within a reasonable time period after the Committee’s split decision.

The Committee’s decision is final and binding; no appeals will be permitted.