I. Scope

This policy applies student-athletes who request in writing the permission to speak to another four year institution regarding the possibility of transferring to the four year institution and competing in NCAA intercollegiate athletics and to student-athletes who request the waiver of the residency requirement under the One-Time Transfer Exception.

II. Purpose

Under NCAA Bylaws, an institution must grant or deny a student-athlete’s written request to speak (“Permission to Speak”) to another four year institution per NCAA Bylaw 13.1.1.3 and/or grant or deny the student-athlete’s written request for application of the One-Time Transfer Exception (“One-Time Transfer Exception”) per NCAA Bylaw 14.5.5.2.10 (d). The institution must grant or deny such requests within seven business days from receipt of the written request or the Permission to Speak or the One-Time Transfer Exception shall be granted by default. NCAA Bylaws do not stipulate permissible or impermissible reasons for denying Permission to Speak or the One-Time Transfer Exception.

NCAA regulations provide that when an institution denies written request for Permission to Speak or the One-Time Transfer Exception, the institution must notify the student-athlete in writing of the opportunity for a hearing. Below are the procedures for requesting the opportunity for a hearing and the procedures for conducting such a hearing.

III. Policy Statement

It is the policy of the College of William and Mary to evaluate a specific student-athlete’s request for Permission to Speak or the One-Time Transfer Exception on an institution-by-institution basis. The institution’s granting of a specific student-athlete’s request for Permission to Speak or One-Time Transfer Exception to a specific four-year institution is not precedence for the student-athlete’s request for Permission to Speak or One-Time Transfer Exception to a different four-year institution nor is it precedence for another student-athlete’s request for Permission to Speak or One-Time Transfer Exception to the same four-year institution.

Furthermore, it is the policy for the College of William and Mary Athletics Department to deny requests for blanket Permission to Speak or blanket One-Time Transfer Exception.

IV. Format of the Committee
The College shall appoint and maintain a Hearing Committee (“Committee”) for the purposes of hearing and reviewing cases of denial of Permission to Speak or denial of the One-Time Transfer Exception. 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 the individuals who fill the following permanent employment position or College-wide Committee Role:
- The Associate Provost for Enrollment
- The Internal Auditor for the College of William and Mary
- Chair of the Athletic Policy Advisory Committee
- Chair of the Admissions Policy Advisory Committee

The Committee shall be required to meet only as necessary upon written request of a student-athlete who has been denied by the institution within the prescribed time frame of Permission to Speak or the One Time Transfer Exception. When such a request is made, the Committee is responsible for reviewing the case and all related documentation prior to the actual hearing.

V. Notification and Request Process

Notification of denial of Permission to Speak or denial of the One-Time Transfer Exception shall be made in writing to the student-athlete by the Associate Athletics Director for Internal Relations, and when appropriate, shall be made in writing directly to the requesting four year institution as well. The written notification of denial of Permission to Speak or denial of the One-Time Transfer Exception to the student-athlete shall include a copy of these policies and procedures. Under NCAA Bylaws, the notification of denial of permission to speak (“Permission to Speak”) to another four year institution per NCAA Bylaw 13.1.1.3 or denial of the One-Time Transfer Exception (“One-Time Transfer Exception”) per NCAA Bylaw 14.5.5.2.10 (d) must be made within seven business days from receipt of the written request or the Permission to Speak or the One-Time Transfer Exception shall be granted by default.

After notification of denial of Permission to Speak or the One-Time Transfer Exception, the student-athlete shall have fifteen (15) business days from the receipt of written notice of the College’s decision to request a hearing.

The student-athlete shall e-mail a written statement simply requesting the opportunity for a hearing to the e-mail address: saappeal@wm.edu. This email address shall forward the request to the Assistant Athletics Director for Compliance, the Assistant Director of Compliance for Athletics, the Faculty Athletic Representative, and the Associate Provost for Enrollment.

Copies of the student-athlete’s written request for a hearing must be kept on file in the Faculty Athletic Representative’s Office and the Athletic Department’s Compliance Office.

VI. Hearing Process

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 via the student-athlete’s William & Mary email address.
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, the student-athlete has already withdrawn from the College of William and Mary) 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. In the event that the student-athlete is unable to participate in the hearing through the means of a telephone conference, the student-athlete waives his right to an in-person hearing and the Committee shall proceed with the review of written statements from each party and render a decision within 15 days of the request for the hearing.

No less than 2 business days prior to the hearing, the student-athlete shall submit to the Associate Provost for Enrollment a written statement and all supporting documentation including his or her reasons why cancellation, reduction or non-renewal of his or her financial aid is improper.

No less than 2 business days prior to the hearing, the Director of Athletics or his designee shall submit to the Associate Provost for Enrollment a written statement and supporting documentation including the department’s position why cancellation, reduction or non-renewal of his or her financial aid is proper.

The Associate Provost for Enrollment shall provide copies of each party’s statements and supporting documentation through secure file sharing at wmfiles.wm.edu.

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 designee (“Athletics Department”), 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 Athletics Department, shall offer remarks first. The student-athlete will follow.
- After the conclusion of each party’s initial comments, the Athletics Department shall have three (3) minutes to respond/rebut followed by three (3) minutes for the student-athlete 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 Athletics Department waives its 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 Athletics Department’s 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 up to three (3) business days or the remainder of the fifteen (15) business days from the date the student-athlete requested the hearing to render a decision.
on the hearing. The decision will be communicated via email to the Director of Athletics and the student-athlete.

- In the event of a split vote between all four committee members present, the committee will render a decision in favor of the student-athlete.

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

VII. Student-Athlete Rights and Responsibilities

- Student-athlete has the right to be accompanied in the hearing procedure by one (1) parent or legal guardian.

- Student-athlete must make initial oral presentation to the Committee.

- Parent or legal guardian of the student-athlete may use the three (3) minutes of rebuttal if available to speak on behalf of his or her child/dependent.

VIII. Role of the Faculty Athletic Representative

The Faculty Athletic Representative serves as the ombudsperson for the College of William and Mary and acts an intermediary between the Athletics Department, the College administration and faculty, and the student-athletes in a wide variety of issues. The Faculty Athletic Representative shall be available to speak with student-athlete prior to an appeal for reduction, cancellation or nonrenewal of athletic grant-in-aid to provide guidance on the procedures of the appeal process, but he or she is not an advocate for the student-athlete and shall not provide guidance on the merits of a particular case presented for appeal.

A student-athlete may request to the Associate Provost for Enrollment that the Faculty Athletic Representative be present during the appeal hearing for the sole purpose of ensuring impartiality and fairness of presentations by both parties. The Faculty Athletic Representative shall not be present during the Committee’s deliberations nor shall he/she provide any input or opinions on the merits of the appeal.