

## William & Mary Athletics

### Non-Renewal or Cancellation of Financial Aid: Hearing Policies and Procedures

#### **I. Scope**

This policy applies student-athletes who receive athletically related institutional financial aid and who have eligibility remaining per NCAA regulations.

#### **II. Purpose**

Under NCAA Bylaws, the notification of renewal or non-renewal of athletically-related institutional financial aid must be made to any student-athlete with remaining eligibility on or before July 1 prior to the academic year in which the action is to be effective. Bylaw 15 does not stipulate permissible or impermissible reasons for not renewing an athletically-related financial grant-in-aid at the end of the term of the award.

Bylaw 15.3.4.2 specifically states that reduction or cancellation of aid during the term of the award is permitted if the recipient:

- a) Renders himself or herself ineligible for intercollegiate competition;
- b) Fraudulently misrepresents any information on an application, letter of intent or financial aid agreement;
- c) Engages in serious misconduct warranting substantial disciplinary penalty; or
- d) Voluntarily (on his or her own initiative) withdraws from a sport at any time for personal reasons.

Additionally, 15.3.4.3 specially prohibits a reduction or cancelation during the period of the award:

- a) On the basis of a student-athlete's athletic ability, performance or contribution to a team's success;
- b) Because of an injury, illness, or physical or mental medical condition (except as pursuant to Bylaw 15.3.4.2) or
- c) For any other athletics reason.

NCAA Bylaw 15.3.2.4 provides that when an institution cancels or reduces athletically related financial aid during the term of the award or when an institution does not renew any athletically-related financial aid for the following academic year, 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 cancel, reduce or non-renew athletically related financial aid when the award shall cause a violation of NCAA regulations or when a student-athlete specifically violates a term of the financial aid agreement including the four provisions stated in Bylaw 15.3.4.2 and as outlined in Section II above. In addition,

the terms of the financial aid agreement stipulate that cancellation, reduction or non-renewal may occur when a student-athlete effectively withdraws from the sport by failing to participate in the sport as outlined in the training rules and policies governing participation in practices and contests that is provided to each team member at the beginning of the term of the award or when a student-athlete violates an institutional or team rule that results in his or her inability to participate in the sport.

Furthermore, it is the policy of the College of William and Mary to renew scholarships annually through the student-athlete's fourth year of enrollment provided the student-athlete remains in good academic standing with the College and is eligible to compete per NCAA regulations, that student-athlete remains an active member of the sport team from which he or she receives athletic aid, and that the student-athlete is compliant with all NCAA, institutional and team specific rules and regulations. Exceptions to this policy must be requested by the head coach of the student-athlete's sport prior to deviating from an Academic Graduation Plan that would extend beyond four years (eight semesters).

#### **IV. Format of the Committee**

The College shall appoint and maintain a Hearing Committee ("Committee") for the purposes of hearing and reviewing cases of cancellation, reduction or non-renewal of athletically-related institutional financial aid. 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 facing cancellation, reduction or non-renewal of athletically-related institutional financial aid. 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 cancellation, reduction or non-renewal of athletically related financial aid shall be made in writing by the Director of Financial Aid and shall include a copy of these policies and procedures. Notification of renewal, non-renewal or reduction of athletically related financial aid to any student-athlete with eligibility remaining for the ensuing academic year must be received by the student-athlete no later than July 1 prior to the academic year in which the aid is to be awarded or non-renewed.

After notification of cancellation, reduction or non-renewal of institutional financial aid, 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](mailto: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 College's Financial Aid 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. If an unavoidable conflict arises, the student-athlete shall make a written request to postpone the hearing to the Associate Provost for Enrollment. 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.

Multiple and egregious postponement requests shall constitute a waiver of the student-athlete's hearing opportunity, functionally the same as the student-athlete failing to make a hearing request within the initial 15-day period. Multiple and egregious postponement shall be defined as actions by the student-athlete to intentionally delay the hearing without proper cause.

- Proper cause shall include: family emergency, illness, academic pressure (final examination periods), etc.
- Improper cause shall include: unpreparedness, malicious delay with intent to cause a hearing to not occur

No less than two 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 two 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](http://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 three (3) business days 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 has the right to be accompanied in the hearing procedure by one (1) legal counsel.
  - Presence of Legal Counsel. Legal counsel may serve as a student's silent supporter provided the student has informed the Committee Chair in writing at least 48 hours prior to the hearing. Legal counsel will not participate in the proceedings. The College may have its own legal counsel or advisor present if a student opts to have legal counsel present.
- 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.