

**Intercollegiate Rowing Association
Eligibility and Infractions Committee**

Legislative Relief Waiver Request

Case Number: 2016-07
Date Submitted: September 20, 2016

Applicable Bylaws:

NCAA Division I Bylaw 12.1.2.1.4.3 - Expenses from an Outside Sponsor. An individual who participates in a sport as a member of a team may receive actual and necessary expenses for competition and practice held in preparation for such competition (directly related to the competition and conducted during a continuous time period preceding the competition) from an outside sponsor (e.g., team, neighbor, business) other than an agent or a representative of an institution's athletics interests (and, after initial full-time collegiate enrollment, other than a professional sports organization). An individual who participates in a sport as an individual (not a member of a team) may receive actual and necessary expenses associated with an athletics event and practice immediately preceding the event, from an outside sponsor (e.g., neighbor, business) other than an agent or a representative of an institution's athletics interests (and, after initial full-time collegiate enrollment, other than a professional sports organization).

NCAA Division I Bylaw 12.5.1.1 (e) - Institutional, Charitable, Education or Nonprofit Promotions. A member institution or recognized entity thereof (e.g., fraternity, sorority or student government organization), a member conference or a noninstitutional charitable, educational or nonprofit agency may use a student-athlete's name, picture or appearance to support its charitable or educational activities or to support activities considered incidental to the student-athlete's participation in intercollegiate athletics, provided the following conditions are met:

(e) All moneys derived from the activity or project go directly to the member institution, member conference or the charitable, educational or nonprofit agency.

Facts of the Case:

Two men's rowing student-athletes are part of a five-person group that is creating a fundraising event to raise money for the American Cancer Society (ACS).

The group will solicit funds through in-person events and donations made to a PayPal account and will make one large donation to ACS, rather than individual donations being made to ACS. Further, the institution anticipates that many representatives of athletics

interests may want to donate. The group will maintain a spreadsheet of all expenses incurred in preparation for and during the trip.

Previously, the NCAA has approved similar waiver requests where student-athletes collected donations for an event that would result in a charitable donation after expenses were paid.

Decision: Approved

Rationale:

There was precedent within the NCAA to grant similar waivers in situations where student-athletes withdrew for medical and financial reasons. The Committee considered the totality of circumstances, specifically: (1) SAs are participating in the event to raise money for a nonprofit charitable organization; and (2) it is otherwise permissible for SAs to receive donations up to actual and necessary expenses from outside sponsors, other than a representative of an institution's athletics interests.

**Intercollegiate Rowing Association
Eligibility and Infractions Committee**

Eligibility Waiver Request

Case Number: 2016-08 (Student-Athlete A)

Date submitted: November 30, 2016

Applicable Bylaws:

Article III: ELIGIBILITY, ACADEMIC AND GENERAL REQUIREMENTS

D. Transfer Students

1. Competition at the First Varsity Level: Standard Waivers regarding transfer students, as permitted under NCAA Regulations, are applicable, and may be processed through the ECAC or other NCAA affiliated conference office. Notice of any such waiver that is granted must be reported to the IRA Commissioner.

14.5.6 4-2-4 College Transfers. A student who transfers from a four-year college to a two-year college and then to the certifying institution shall complete one academic year of residence at the certifying institution prior to engaging in intercollegiate competition, unless:

- (a) The student has completed an average of at least 12-semester or -quarter hours of transferable-degree credit, with a cumulative minimum grade-point average of 2.500, acceptable toward any baccalaureate degree program at the certifying institution for each term of full-time attendance at the two-year college following transfer from the four-year college most recently attended;
- (b) One calendar year has elapsed since the student's departure from the previous four-year college (one year since the date that the student-athlete takes formal action with the appropriate institutional authorities required for all students to indicate that the student-athlete is leaving the previous four-year institution and no longer will be attending classes); and
- (c) The student has graduated from the two-year college.

Facts of the Case:

Student-athlete is a 4-2-4 transfer who does not meet the exception to the residence requirement. Student-athlete contacted institution's rowing coach after being admitted to the institution as a transfer student. The coach did not request an eligibility evaluation for the student-athlete during the admissions process. Institution claims that

the student-athlete was “misadvised” because the coach did not inform the student-athlete of the 4-2-4 transfer requirements.

Decision: **Denied.**

Rationale: Based on additional information provided, the Committee does not believe that the institution has presented a compelling rationale for granting a waiver for the transfer student-athlete. The institution asserts that the rowing coach "misadvised" the student-athlete by not instructing him to earn his two-year college degrees. Advising the student-athlete, who was having an unsatisfactory experience at his previous institution, would have been doing the SA a disservice. The student-athlete sought and found a better educational experience at the second four-year college than at the previous institutions.

**Intercollegiate Rowing Association
Eligibility and Infractions Committee**

Eligibility Waiver Request

Case Number: 2016-09 (Student-Athlete B)

Date submitted: November 30, 2016

Applicable Bylaws:

Article III: ELIGIBILITY, ACADEMIC AND GENERAL REQUIREMENTS

D. Transfer Students

1. Competition at the First Varsity Level: Standard Waivers regarding transfer students, as permitted under NCAA Regulations, are applicable, and may be processed through the ECAC or other NCAA affiliated conference office. Notice of any such waiver that is granted must be reported to the IRA Commissioner.

14.5.6 4-2-4 College Transfers. A student who transfers from a four-year college to a two-year college and then to the certifying institution shall complete one academic year of residence at the certifying institution prior to engaging in intercollegiate competition, unless:

- (a) The student has completed an average of at least 12-semester or -quarter hours of transferable-degree credit, with a cumulative minimum grade-point average of 2.500, acceptable toward any baccalaureate degree program at the certifying institution for each term of full-time attendance at the two-year college following transfer from the four-year college most recently attended;
- (b) One calendar year has elapsed since the student's departure from the previous four-year college (one year since the date that the student-athlete takes formal action with the appropriate institutional authorities required for all students to indicate that the student-athlete is leaving the previous four-year institution and no longer will be attending classes); and
- (c) The student has graduated from the two-year college.

Facts of the Case:

Student-athlete is a 4-2-4 transfer who does not meet the exception to the residence requirement. Student-athlete contacted institution's rowing coach after being admitted to the institution as a transfer student. The coach did not request an eligibility evaluation for the student-athlete during the admissions process. Institution claims that

the student-athlete was “misadvised” because the coach did not inform the student-athlete of the 4-2-4 transfer requirements.

Decision: **Denied.**

Rationale: Based on additional information provided, the Committee does not believe that the institution has presented a compelling rationale for granting a waiver for the transfer student-athlete. The institution asserts that the rowing coach "misadvised" the student-athlete by not instructing him to earn his two-year college degrees. Advising the student-athlete, who was having an unsatisfactory experience at his previous institution, would have been doing the SA a disservice. The student-athlete sought and found a better educational experience at the second four-year college than at the previous institutions.

**Intercollegiate Rowing Association
Eligibility and Infractions Committee**

Eligibility Waiver Request

Case Number: 2016-10

Date submitted: November 30, 2016

Applicable Bylaws:

Article III: ELIGIBILITY, ACADEMIC AND GENERAL REQUIREMENTS

D. Transfer Students

1. Competition at the First Varsity Level: Standard Waivers regarding transfer students, as permitted under NCAA Regulations, are applicable, and may be processed through the ECAC or other NCAA affiliated conference office. Notice of any such waiver that is granted must be reported to the IRA Commissioner.

14.5.4 Two-Year College Transfers. A student who transfers to a member institution from a two-year college or from a branch school that conducts an intercollegiate athletics program must complete an academic year of residence unless the student meets the following eligibility requirements.

14.5.4.1 Qualifier. A transfer student from a two-year college who was a qualifier is eligible for competition in the first academic year in residence only if the student:

- (a) Has spent at least one full-time semester or one full-time quarter in residence at the two-year college (excluding summer sessions);
- (b) Has presented a minimum grade-point average of 2.500 and
- (c) Has satisfactorily completed an average of at least 12-semester or quarter hours of transferable-degree credit acceptable toward any baccalaureate degree program at the certifying institution for each full-time academic term of attendance at the two-year college.

Facts of the Case:

During 2015 fall term, institution permitted walk- on novice student-athlete in the sport of men's rowing to receive travel expenses and compete in seven dates of competition while ineligible (SA did not meet progress-toward-degree requirements). Specifically, SA failed to meet 33 percent of his degree requirements in his declared major of

mechanical engineering prior to start of his fifth semester of full-time collegiate enrollment. SA was mistakenly certified by institution as eligible for competition for 2015-16 men's rowing season. SA competed in seven dates of competition prior to discovery of mistaken certification by institution.

SA was a transfer walk-on in the fall of 2015 and the only person who made the varsity team for the 2015-16 season. There was a certification error made during a transition of compliance personnel. Participating on the men's rowing team has helped SA make transition from military to civilian life much smoother as there is structure and discipline, as well as brotherhood which SA was accustomed to in the military. SA's work ethic and dedication to sport and school earned him nomination as team captain. SA has been enrolled well above the 12-unit minimum requirements and remains on track to graduate in engineering. At the time when he joined the rowing team, he had no knowledge of NCAA progress towards degree requirements.

Institutional Action:

Compliance officer who mistakenly certified SA no longer works at institution. Because the violation is administrative in nature (14.01.1), institution asked not to penalize SA. However, because SA competed while ineligible, a penalty is warranted. Student-athlete will be withheld from seven dates of competition (one-for-one withholding penalty) during the 2016-2017 academic year. In addition, the institution has forfeited its third place finish at the 2016 conference championship, an event in which the student-athlete competed in the second-varsity eight boat.

Decision: **Approved.**

Rationale: The student-athlete is essentially missing a season of competition by serving a one-for-one withholding penalty. He currently meets progress towards degree requirements. There was consensus among the Committee and there is NCAA precedent not to penalize the student-athlete for errors on the part of the institution's administration.

**Intercollegiate Rowing Association
Eligibility and Infractions Committee**

Secondary Violation Report

Case Number: 2017-01

Date submitted: March 4, 2017

Applicable Bylaws: 13.6.6.5; 14.11.1; 16.01.1.1

Facts of the Case:

Student-athlete who was not designated as a host received a complimentary meal during an official visit. The designated host asked a teammate to replace him as host and take prospective student-athlete to lunch/dinner. The student-athlete was given the host's pre-paid meal card and used it again to buy breakfast for himself the following day while he was not hosting the PSA.

Institutional Action:

The institution required the student-athlete to donate the value of the meal to a charity of his choice.

IRA Eligibility and Infractions Committee Action:

None. Committee determined that action taken by institution was sufficient.

**Intercollegiate Rowing Association
Eligibility and Infractions Committee**

Eligibility Waiver Request

Case Number: 2017-02

Date submitted: March 17, 2017

Applicable Bylaws:

14.1.7.1.7.3 Practice or Competition -- Final Semester/Quarter. A student-athlete with athletics eligibility remaining may compete or participate in organized practice sessions while enrolled in less than a minimum full-time program of studies, provided the student-athlete is enrolled in the final semester or quarter of the baccalaureate program and the institution certifies that the student-athlete is carrying (for credit) the courses necessary to complete the degree requirements. Thereafter, the student-athlete shall forfeit eligibility in all sports, unless the student-athlete completes all degree requirements during that semester or quarter and is eligible to receive the baccalaureate diploma on the institution's next degree-granting date.

Facts of the Case:

At the completion of winter quarter 2017, student-athlete will have completed all credits required for degree program and earned the minimum units required by the institution for a Bachelor of Science Degree in Public Health. The student-athlete intends to pursue a career in medicine and would like to use spring quarter to complete two remaining prerequisite courses for medical school.

As the student-athlete has already completed the necessary credits for graduation, the courses taken during spring are not necessary for SA's degree. Therefore SA cannot be certified as a part-time under NCAA Bylaw 14.1.7.1.7.3, which requires that the student-athlete enrolled in their final quarter be carrying the courses necessary to complete degree requirements. The institution requests that the student-athlete be allowed to use the Bylaw 14.1.7.1.7.3 exception and be certified as an eligible part-time student-athlete for spring quarter 2017.

Relevant Mitigating Circumstances:

There is no competitive advantage gained by allowing student-athlete to compete as a part-time student-athlete during spring quarter. Student-athlete will be enrolled in Structural Biochemistry and Organic Chemistry III, which are both academically rigorous upper-division science courses. Student-athlete has planned all year to graduate early, and then use the spring to complete prerequisites for medical school admission. The

student-athlete was unaware that the final quarter exception to the full-time enrollment requirement would not apply to a student who has completed all credits required for their degree.

Decision: **Approved.**

Rationale:

There was precedent within the NCAA to grant similar waivers in situations. Institution would not gain competitive advantage as a result of SA's participation.

**Intercollegiate Rowing Association
Eligibility and Infractions Committee**

Secondary Violation Report

Case Number: 2017-03

Date submitted: March 21, 2017

Applicable Bylaws:

13.1.1.1 Time Period for Off-Campus Contacts -- General Rule. Off-campus recruiting contacts shall not be made with an individual (or his or her relatives or legal guardians) before July 1 following the completion of his or her junior year in high school (July 7 after the junior year in high school in women's ice hockey and July 15 after the junior year in high school in women's gymnastics), or the opening day of classes of his or her senior year in high school (as designated by the high school), whichever is earlier. U.S. service academy exceptions to this provision are set forth in Bylaw 13.16.1.

Facts of the Case:

On January 29, 2017, assistant men's crew coach traveled to New Zealand for recruiting purposes. At the regatta, the coach spoke with two prospective student-athletes after they had competed at the regatta. Additionally, coach also spoke with the parents of another prospective student-athlete.

Coach erred in his application of NCAA bylaw 13.1.1.1 by having off-campus contact with prospects before the beginning of their senior years in high school. He mistakenly believed these prospects were in fact seniors as he forgot the high school scheduling differences in the Southern Hemisphere. All three prospective student-athletes competed at the Regatta representing their respective high school institutions and as a result, the coach prematurely assumed that they had begun classes in their senior years.

Institutional Action:

Institution ceased all communication with involved student-athletes for a two week period. Coach received rules education regarding off-campus recruiting and was reminded to exercise increased diligence in the future to ensure that this situation does not recur. Further, coach will verify the start of school date for all Southern Hemisphere students before any off campus recruiting in these regions.

IRA Eligibility and Infractions Committee Action:

None. Committee determined that action taken by institution was sufficient.