



Bemidji State University Athletics

Policies and Procedures for Transfer Permission to Contact and Financial Aid Reductions

GENERAL POLICY

NCAA Regulations Covered. The following NCAA regulations are the origin for the policy and procedures. **Please note that both NCAA Division I and Division II legislation are included.** The Division I legislation is applicable to the Bemidji State University Men's & Women's Ice Hockey student-athletes. Division II legislation is applicable to all other Bemidji State University athletic programs:

POLICIES AND PROCEDURES FOR TRANSFER PERMISSION TO CONTACT

Division I – Four Year College Prospective Student-Athletes

NCAA Division I Bylaw 13.1.1.3 Four-Year College Prospective Student-Athletes. An athletics staff member or other representative of the institution's athletics interests shall not make contact with the student-athlete of another NCAA or NAIA four-year collegiate institution, directly or indirectly, without first obtaining the written permission of the first institution's athletics director (or an athletics administrator designated by the athletics director) to do so, regardless of who makes the initial contact. If permission is not granted, the second institution shall not encourage the transfer and the institution shall not provide athletically related financial assistance to the student-athlete until the student-athlete has attended the second institution for one academic year. If permission is granted to contact the student-athlete, all applicable NCAA recruiting rules apply. If an institution receives a written request from a student-athlete to permit another institution to contact the student-athlete about transferring, the institution shall grant or deny the request **within seven business days** (see Bylaw 13.02.1) of receipt of the request. If the institution fails to respond to the student-athlete's written request within seven business days, permission shall be granted by default and the institution shall provide written permission to the student-athlete.

NCAA Division I Bylaw 13.1.1.3.2 Hearing Opportunity. If the institution decides to deny a student-athlete's request to permit any other institution to contact the student-athlete about transferring, 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 the athletics department (e.g., the office of student affairs; office of the dean of students; or a committee composed of the faculty athletics representative, student-athletes and nonathletics faculty/staff members). The institution shall conduct the hearing and provide written results of the hearing to the student-athlete **within 15 business days** (see Bylaw 13.02.1) of receipt of the

student-athlete's written request for a hearing. The student-athlete shall be provided the opportunity to actively participate (e.g., in person, via telephone) in the hearing. If the institution fails to conduct the hearing or provide the written results to the student-athlete within 15 business days, permission to contact the student-athlete shall be granted by default and the institution shall provide written permission to the student-athlete.

Division II – Four Year College Prospective Student-Athletes

NCAA Division II Bylaw 13.1.1.2 Four-Year College Prospective Student-Athletes. An athletics staff member or other representative of the institution's athletics interests shall not make contact with the student-athlete of an NCAA institution, directly or indirectly, without first obtaining the written permission of the first institution's athletics director (or an athletics administrator designated by the athletics director) to do so, regardless of who makes the initial contact. If permission is not granted, the second institution shall not encourage the transfer and shall not provide athletically related financial assistance to the student-athlete until the student-athlete has attended the second institution for one academic year. If permission is granted to contact the student-athlete, all applicable NCAA recruiting rules apply. (See Bylaw 13.1.6 for legislation regarding contacts and Bylaw 13.1.3.1 for legislation regarding telephone calls.) If an institution receives a written request from a student-athlete to permit another institution to contact the student-athlete about transferring, the institution shall grant or deny the request **within 14 consecutive calendar days** of receipt of the request. If the institution fails to respond to the student-athlete's written request within 14 consecutive calendar days, permission shall be granted by default and the institution shall provide written permission to the student-athlete. Permission to contact is not required for a student-athlete at an NAIA institution; however, the Division II institution's director of athletics (or an individual designated by the director of athletics) must send notification of recruitment to the NAIA institution prior to contact with an NAIA student-athlete.

NCAA Division II Bylaw 13.1.1.2.1 Hearing Opportunity. If the institution decides to deny a student-athlete's request to permit any other institution to contact the student-athlete about transferring, the athletics director (or his or her designee) shall inform the student-athlete in writing, within 14 consecutive calendar days from receipt of a student-athlete's written request, 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., the office of student affairs; office of the dean of students; or a committee composed of the faculty athletics representative, student-athletes and nonathletics faculty/staff members). The notification of the hearing opportunity shall include a copy of the institution's policies and procedures for conducting the required hearing, including the deadline by which a student-athlete must request such a hearing. The institution shall conduct the hearing and provide written results of the hearing to the student-athlete **within 30 consecutive calendar days** of receiving a student-athlete's written request for the hearing. The student-athlete shall be provided the opportunity to actively participate (e.g., in person, via telephone) in the hearing. If the institution fails to conduct the hearing or provide the written results to the student-athlete within 30 consecutive calendar days, permission to contact

the student-athlete shall be granted by default and the institution shall provide written permission to the student-athlete.

POLICIES AND PROCEDURES FOR FINANCIAL AID REDUCTIONS

Division I - ATHLETIC SCHOLARSHIPS

NCAA DI Bylaw 15.3.4.2 Reduction or Cancellation Permitted. Institutional financial aid based in any degree on athletics ability may be reduced or canceled during the period of the award if the recipient: *(Revised: 1/10/92, 1/11/94, 1/10/95, 1/9/96, 12/13/05, 9/11/07, 8/7/14)*

- (a) Renders himself or herself ineligible for intercollegiate competition;
- (b) Fraudulently misrepresents any information on an application, letter of intent or financial aid agreement (see Bylaw 15.3.4.2.3);
- (c) Engages in serious misconduct warranting substantial disciplinary penalty (see Bylaw 15.3.4.2.4); or
- (d) Voluntarily (on his or her own initiative) withdraws from a sport at any time for personal reasons; however, the recipient's financial aid may not be awarded to another student-athlete in the academic term in which the aid was reduced or canceled. A student-athlete's request for written permission to contact another four-year collegiate institution regarding a possible transfer does not constitute a voluntary withdrawal.

NCAA DI Bylaw 15.3.4.2.1 Timing of Reduction or Cancellation. Any reduction or cancellation of aid during the period of the award may occur only after the student-athlete has been provided an opportunity for a hearing per Bylaw 15.3.2.3.

Division II - ATHLETIC SCHOLARSHIPS

NCAA DII Bylaw 15.3.4.1 - Reduction or Cancellation Permitted (During Period of the Award).
15.6.4.1 Reduction or Cancellation Permitted. Institutional financial aid based in any degree on athletics ability may be reduced or canceled during the period of the award, if the recipient: *(Revised: 1/11/94, 1/10/95)*

- (a) Renders himself or herself ineligible for intercollegiate competition;
- (b) Fraudulently misrepresents any information on an application, letter of intent or financial aid agreement (see Bylaw 15.6.4.1.2);

(c) Engages in serious misconduct warranting substantial disciplinary penalty (see Bylaw 15.6.4.1.3); or

(d) Voluntarily withdraws from a sport at any time for personal reasons; however, the recipient's financial aid may not be awarded to another student-athlete in the term in which the aid was reduced or canceled. Further, if the financial aid is canceled before a regular academic term (e.g., preseason practice period), the aid may not be provided to another student-athlete during the ensuing academic term.

NCAA Division II Bylaw 15.6.5.1 - Institutional Obligation (Renewals and Non-Renewals). The renewal of institutional financial aid based in any degree on athletics ability shall be made on or before July 1 before the academic year in which it is to be effective. The institution shall promptly notify in writing each student-athlete who received an award the previous academic year and who has eligibility remaining in the sport in which financial aid was awarded the previous academic year (under Bylaw 14.2) whether the grant has been renewed or not renewed for the ensuing academic year. Notification of financial aid renewals and nonrenewals must come from the institution's regular financial aid authority and not from the institution's athletics department. *(Revised: 1/10/95)*

REQUESTS FOR PERMISSION TO CONTACT OTHER INSTITUTIONS ABOUT A POSSIBLE TRANSFER

Permission to Contact. Student-athletes wishing to transfer away from Bemidji State and to another university affiliated with the NCAA are bound by the provisions set forth in the applicable division of their sport participation (NCAA DI Bylaw 13.1.1.3 or DII Bylaw 13.1.1.2). No communication, directly or indirectly, can occur with another institution without the expressed written consent of Bemidji State University. Student-athletes wishing to obtain official Permission to Contact other schools (i.e., a release) must make that request in writing and submit it to the Associate Director of Athletics. The Head Coach will subsequently be contacted by the Associate Director of Athletics. The Head Coach will then inform her of the decision to grant or deny the permission to contact in writing. Whatever decision is, the Compliance Office shall then communicate the decision to the student-athlete in writing, including notification of the right of the student-athlete to formally appeal the decision. If a student-athlete wishes to appeal the decision, then the student-athlete must follow the Formal Hearing Process outlined in section III below.

Pursuant to an NCAA rule interpretation from May 1988, universities have the right to place restrictions on the Permission to Contact. It is the general policy of Bemidji State Athletics to place the following restrictions on all student-athletes who are wishing to transfer, regardless of their sport:

- Generally, the student-athlete may not have contact with any member schools of the applicable NSIC or WCHA Conference, and
- The Head Coach of the program, at their discretion, may impose further restrictions on the Permission to Contact.

Please also note that the NSIC and WCHA Conferences have an "Intra-Conference Transfer Rule" which may affect the eligibility of a student-athlete wishing to transfer from one conference member school to another, depending on their chosen sport.

Award, Reduction or Termination of Financial Aid. Pursuant to legislation found under NCAA DI Bylaw 15.3.4 and DII Bylaw 15.6.4, the University may reduce or cancel the athletically related financial aid of student-athletes under specified circumstances. At the end of each academic year, the Head Coach of each program shall make a decision to award, reduce or cancel athletically related financial aid for a student-athlete for the subsequent academic year. Next, the Head Coach shall communicate the decision to the Compliance Office in writing. The Compliance Office shall then inform the Financial Aid Office of the decision. Pursuant to NCAA DII Bylaw 15.6.5.1, the Financial Aid Office will act on the decision for the student-athlete and will communicate the decision to the student-athlete in writing, including notification of the right of the student-athlete to formally appeal the decision, no later than July 1 each year. If a student-athlete wishes to appeal the decision, then the student-athlete must follow the Formal Hearing Process outlined in section III below.

II. SCOPE

Range of the Process. This procedural process is modeled on the University Grievance Policy in order to provide fairness in the hearing of complaints in a similar manner to how the University handles grievances for all students generally. More specifically, this policy provides a process that may be used to resolve grievances among student-athletes, coaches, administrators and staff at Bemidji State University in relation to Permission to Contact and athletically related financial aid. In particular, this process is applicable only to:

- (1) Grievances regarding the denial of Permission to Contact (i.e., a release) pursuant to NCAA DI Bylaw 13.1.1.3 or NCAA DII Bylaw 13.1.1.2, and
- (2) Grievances regarding the reduction or termination of athletically related financial aid during the period of the award, pursuant to NCAA DI Bylaw 15.3.4.2 or DII Bylaw 15.3.4.1 (reduction or cancellation during the period of the award).

This process shall not be used to challenge any other Athletics policies or actions, nor shall it be used to challenge University policies and procedures of general applicability. Any other grievances must be handled through normal University entities and procedures.

III. APPEAL PROCESS

Informal Resolution. The goal of informal resolutions is to resolve disputes among student-athletes, coaches, administrators and staff without resort to a formal grievance procedure. Individuals should make reasonable and good faith efforts to resolve disputes with each other directly, promptly, and informally. Persons seeking to resolve a dispute informally may seek the assistance of staff members of the Athletics Compliance Office, as appropriate.

Formal Hearing Process. If informal resolution is not possible and not accomplished, then the grievant may initiate a formal hearing process. In order to initiate the process, the grievant shall submit a written request for an appeal to the Associate Athletics Director within 14 calendar days of the transfer denial or financial aid reduction/termination. The Associate Athletics Director will respond in writing according to the timeline established in the applicable NCAA legislation. Further, all requests must describe the reasons that the grievant believes the transfer denial or financial aid reduction/termination should be overturned.

Composition of Hearing Committees. If a formal hearing is appropriately requested, then a committee of individuals from outside the Athletics Department shall be convened to hear the complaint. The Executive Director of Enrollment Management serves as the Chair of the Hearing Committee for Appeals of Transfers while the Vice President for Finance and Administration serves as the Chair of Committee for Appeals of Athletics Financial Aid Awards. The Chair of each committee has the authority to appoint members to their committee. The Hearing Committee, in any circumstances, will consist of three members:

Appeals of Transfers

- The BSU Executive Director of Enrollment Management will serve as the Chair of this Committee,
- Two other members of BSU faculty or staff employed outside of the athletics department, chosen by the BSU Executive Director of Enrollment Management.

Appeals of Athletics Financial Aid Awards

- The BSU Vice President for Finance and Administration will serve as the Chair of this Committee,
- Two other members of BSU faculty or staff employed outside of the athletics department, chosen by the BSU Vice President for Finance and Administration.

Notification of Hearing. If a formal hearing is appropriately requested, then the Hearing Committee shall set a date to hear the appeal of the grievant within 14 calendar days of receipt of the grievant's request. The hearing will occur on the campus of Bemidji State University in Bemidji, MN. The Chair shall notify both the grievant and respondent of the composition of the Hearing Committee, as well as the date, time and venue for the Hearing. Objections to the participation of the particular Hearing Committee members must be submitted in writing to the Committee Chair in advance of the Hearing. The Chair's decision on the objection is final and binding.

Ex-Parte Communication. No member of the Hearing Committee may directly or indirectly communicate in connection with an issue relevant to the appeal with the grievant or respondent, their representatives or any other person associated with a party to the appeal, except on notice and opportunity for the grievant and respondent to participate.

IV. HEARING COMMITTEE PROCEDURES

Who May Attend. Only members of the Hearing Committee, the grievant, and the respondent may attend the full Hearing. Other witnesses may be present only if giving pertinent testimony. A committee member shall be disqualified if the member determines that he or she could not act without unfair bias or prejudice in reaching a decision.

Note that the hearing process is an internal, professional procedure for resolving disputes; therefore it should not be construed as a formal legal proceeding. Thus, while an individual may seek legal advice pertaining to the process, lawyers representing the grievant or respondent (or their witnesses) are specifically prohibited from attending any portion of the Hearing.

Record of Committee Proceedings. If requested by the grievant or respondent, the Hearing shall be audio recorded. The Chair shall maintain a written record of all action taken by the Committee on a particular grievance and shall make this record available to the parties to the grievance on request. In no event, however, should the vote of an individual Committee member be audio recorded or disclosed and the record shall be maintained in such a manner as to preserve the confidentiality of the votes of individual Hearing Committee members.

Decorum. Proper and professional decorum is required during the Hearing. The Chair may exclude from the Hearing any person who fails to maintain a proper and professional decorum.

Evidence and/or Documentation. The grievant and the respondent may introduce evidence and/or documentation at the Hearing. No rigid rules of evidence will be in effect. The Committee may allow hearsay testimony. The Committee may exclude character evidence and evidence that is irrelevant or unduly repetitious. The Committee may limit both the number of witnesses and the time granted to each witness during the Hearing.

Failure to Appear. Failure of the grievant or the respondent to appear at the Hearing shall not prevent the Hearing from proceeding. The Committee may, however, decide to cancel the Hearing if the grievant or the respondent is not present.

Order of Presentation. The grievant shall proceed first, followed by the respondent, specifically as follows:

1. Presentation by the student-athlete (grievant) - 20 minutes or less.
2. Presentation by the coach (respondent) - 20 minutes or less.
3. Rebuttal by the student-athlete (grievant) - 10 minutes or less.
4. Rebuttal by the coach (respondent) - 10 minutes or less.
5. Questions from the Committee to grievant and/or respondent - no time limit.
6. Conclusion of hearing - grievant, respondent and witnesses excused.
7. Deliberation and decision - no time limit.

Extension of Allotted Time. The Chair of the Committee shall have the exclusive authority and discretion to grant an extension of the time limits noted in the Order of Presentation.

Questioning. The grievant and the respondent shall have a reasonable opportunity to rebut opposing evidence. Committee members may question the grievant, the respondent, and witnesses.

Committee Deliberation and Decision. After the Hearing is concluded, the Chair of the Committee shall excuse the grievant and the respondent and all witnesses. The Committee shall then discuss the arguments, evidence and documentation presented during the Hearing. The Chair shall poll the members of the Committee present at the Hearing by secret ballot on the question of whether to sustain the grievance. The decision of the Hearing Committee will be determined by a simple majority vote of the Hearing Committee members. In reaching a decision, the Hearing Committee should reach a reasonable conclusion, considering the interests of the institution and the student-athlete.

Remedies. The Hearing Committee may sustain the decision regarding contact or financial aid, modify the decision as requested by the student-athlete, or modify the decision in any other way, as long as it deems the result reasonable based on its consideration of the interests of the institution and the student-athlete. However, any remedy cannot constitute a violation of NCAA or applicable NSIC or WCHA Conference regulations, nor can any remedy cause any student-athletes, coaches, administrators, staff or the University to be in violation of NCAA or applicable NSIC or WCHA Conference regulations.

Report of the Decision. The Chair of the Committee shall prepare a written report of the decision of the Committee. This report shall be reviewed by the Committee members who participated in the Hearing. Members shall indicate their approval by signing the report. The Chair of the Committee shall promptly report the decision of the Committee to the grievant, the respondent, the Associate Athletics Director and any other individual(s) designated by the grievant or respondent.

Finality of the Decision. The decision of the committee is final and may not be appealed to any other individual or entity at Bemidji State University, the applicable NSIC or WCHA Conference or the NCAA. The grievant may request the Chair to consider newly discovered information that existed at the time of the Hearing that would in reasonable probability change the Hearing Committee's decision. The decision as to whether the information represents newly discovered facts and whether it likely would have changed the decision of the Hearing Committee will be made by the Chair. The decision rendered by the Chair on this issue is final and may not be appealed.

V. IMPLEMENTATION The process described in this policy is intended to provide fairness in the hearing of complaints in a manner similar to how the University handles grievances for all students generally and also to facilitate compliance with NCAA DI Bylaw 13.1.1.3 or NCAA DII Bylaw 13.1.1.2, DI Bylaw 15.3.4.2 or DII Bylaw 15.3.4.1. The University expects participants in the process to attempt in good faith to carefully follow the procedures described in this policy. Nonetheless, there may be circumstances when participants in the process unintentionally err while attempting in good faith to follow the procedures described in this policy. If such an error

is promptly brought to the attention of the Chair of the Hearing Committee, the University will make reasonable efforts to correct the error, if practical.