One-Time Transfer Exception Appeal Policy and Procedures

Office of Compliance Services – University at Albany

PLEASE NOTE – THIS POLICY IS EFFECTIVE OCTOBER 15, 2018.

POLICY

The University at Albany and the Department of Athletics are committed to the equitable treatment of student-athletes who decide to transfer to other institutions or who are interested in a possible transfer to another institution, as well as evaluating the overall impact to the University and its athletic programs. The following policies and procedures shall be followed in all cases.

In accordance with NCAA Bylaw 14.5.5.2.10, the University at Albany has the right to certify in writing as to whether it objects to the student being granted an exception to the transfer-residence requirement. If the University at Albany receives a written request for a release from a student-athlete, the University at Albany shall grant or deny the request within seven (7) business days. If the University at Albany fails to respond to the student-athlete's written request within seven (7) business days, the release shall be granted by default and the University at Albany shall provide a written release to the student-athlete. Per NCAA Bylaw 14.5.5.2.10.1, if the University at Albany denies use of the one-time transfer exception, the student-athlete shall be informed in writing that he or she, upon written request, shall be provided a hearing conducted by an institutional entity or committee outside the athletics department.

In most cases, the request to use the one-time transfer exception will come from the other NCAA institution to which the student-athlete has transferred or is considering transferring. The procedures outlined below will apply to requests from both the other NCAA institution and the student-athlete.

PROCEDURES

1. Requesting Permission to Use the One-Time Transfer Exception.

If a student-athlete wishes to utilize the one-time transfer exception, the student-athlete shall speak with his or her Head Coach first. Then, the student-athlete may make the request for in writing to the Office of Compliance Services (hereinafter referred to as “Compliance Officer”).


After conferring with the Head Coach, the Compliance Officer and the administrator who oversees the student-athlete's sport (hereinafter referred to as “Sport Supervisor”) shall decide whether use of the one-time transfer exception should be granted. If appropriate in particular cases, the Head Coach, Compliance Officer and/or the Sport Supervisor shall consult with the Director of Athletics regarding the request. The student-athlete shall also have the right to discuss
the request with the Director of Athletics.

If use of the one-time transfer exception is granted, the Compliance Officer shall inform the student-athlete and/or institution the student-athlete is interested in transferring to in writing.

If permission is refused, the Compliance Officer shall inform the student-athlete of the decision in writing. Additionally, the student-athlete will be informed in writing of their right to appeal the decision in accordance with NCAA rules. If permission to use the one-time transfer exception was requested by another NCAA institution, the Compliance Officer shall ensure that the decision to deny permission is provided to the other institution as promptly as possible.

3. Request for Hearing.

If a student-athlete wishes to request a hearing to contest the decision to deny use of the one-time transfer, the student-athlete must submit a written request to the Compliance Officer. Beginning with the day after the student-athlete receives the denial to use of the one-time transfer, the written request for a hearing must be submitted within five (5) business days. \(\text{Note: A business day concludes at 5:00pm EST.}\)

The student-athlete’s request for a hearing must describe the reasons the student-athlete believes that the decision to deny should be overturned or modified. All supportive documentation relevant to the student-athlete’s appeal must be submitted within two (2) business days of the scheduled hearing to the Compliance Officer.

4. Hearing Committee.

All hearings under this policy shall be conducted by the Student-Athlete Appeals Committee (hereinafter referred to as the "Committee"). NCAA rules require that the Committee consist exclusively of individuals who are employed outside of the Department of Athletics. The Committee shall be comprised of three (3) members appointed by the University President, or designee who shall also designate a Committee Chair.

It shall be the duty of the Chair to rule on procedural matters and the admissibility of evidence during such hearings. University Senior Managing Counsel or his/her designee may be present.

5. Scheduling the Hearing.

After the student-athlete submits the written request for a hearing, the Compliance Officer will contact the University President’s Office and the Chair of the Committee to schedule a hearing date. The hearing date shall occur no later than fifteen (15) business days following the student-athlete’s request. The University President’s Office shall inform the student-athlete, the Head Coach, the Committee, the Compliance Officer, the Sport Supervisor, and the Director of Athletics.
of the date, time and place of the hearing.

Within two (2) business days prior to the scheduled hearing, the Compliance Officer shall provide the Committee:

   a. The notification of refusal and right to hearing letter from the Compliance Officer;
   b. The request for hearing letter from the student-athlete;
   c. All supporting documentation submitted by the student-athlete, the Head Coach, the Compliance Officer, the Sport Supervisor, and/or the Director of Athletics.

6. **Conduct of the Hearing.**

All parties to the hearing are expected to provide truthful information to the Committee and treat the Committee and other parties with dignity and respect throughout the process.

The hearing is an informal administrative proceeding and not a court of law. It is not subject to and does not operate in accordance with formal rules of process, procedure or technical rules of evidence. The hearing will not be taped.

The Committee proceedings and all information submitted by the parties shall remain confidential except as otherwise required by law.

The student-athlete has the right to be an active participant either by appearing in-person or by telephone conference call.

The Head Coach and Sport Supervisor are required to appear in-person at the hearing, unless this requirement is waived by the Chair of the Committee based upon justifiable cause.

The Committee may request that other individuals attend and testify at the hearing as the Committee deems relevant and appropriate.

If the student-athlete wishes to have other individuals (e.g., parents) attend the hearing, the student-athlete must provide a list of names and relationship of those individuals in a written request to the University President’s Office within two (2) business days prior to the hearing.

If the request is approved, the other individuals may be present at the hearing to observe but may not participate unless asked to do so by the Committee. The Compliance Officer, or designee, shall be present for purposes of clarification of the application of NCAA rules and the Senior Managing Counsel, or designee, may be present to counsel the Committee.

The Chair of the Committee will open the hearing by introducing the parties and Committee members. The Chair then will summarize the format of the hearing and any rules of procedure.
Thereafter, the Chair shall invite the student-athlete to present his or her position and describe the reasons why the student-athlete believes the decision to deny permission should be modified or overturned.

The Head Coach and/or Sport Supervisor then shall have the opportunity to present the rationale for denying permission.

The Committee may ask questions of any individual present at the hearing.

The student-athlete, Head Coach and Sport Supervisor all shall have the right to make a concluding remark or closing argument before the hearing is completed. The hearing should not be closed until the Chair has determined that all parties have had a fair and equal opportunity to present their positions.

7. Committee Deliberations and Notice of Decision.

Immediately following the hearing, the Committee shall meet privately to deliberate. The Committee's decision shall be based on a majority vote of the three members of the Committee. The decision shall be rendered no later than fifteen (15) business days following the student-athlete’s request for a hearing. The time limit within which to make a decision may be extended by the Committee Chair upon reasonable cause confirmed in writing to the student-athlete and the Director of Athletics.

The decision of the Department of Athletics will be upheld unless the Committee finds, more probably than not, that the original decision of the Athletics Department was clearly unreasonable, had no basis in the information provided or was contrary to applicable NCAA rules or University policies or procedures.

If the Committee determines that the decision of the Department was unreasonable or without basis in the facts presented or contrary to applicable NCAA rules or University policies and procedures, it may modify or overturn the decision to use the one-time transfer exception.

The Committee’s decision shall be final, and there are no further avenues of appeal at the University.