Amateurism Certification Process
Policies and Procedures

NCAA Divisions I and II

Last update: April 2018

TABLE OF CONTENTS

DEFINITIONS 6

ADMINISTRATION OF THE AMATEURISM CERTIFICATION PROCESS 8

1. **Overview** 8
2. **Jurisdiction and Scope** 8
3. **Institutional Responsibility** 8
4. **Conflict of Interest Policy** 8
5. **Adherence to Policies and Procedures** 9
6. **Third-Party Participation.** 9
   a. Institutional Staff Members 9
   b. Representatives. 10

CORE CERTIFICATION 11

1. **Purpose** 11
2. **Selection for Core Certification** 11
3. **Order and Assignment of Reviews** 11
4. **Case Processing** 11

COMPLEX CASE REVIEW 12

1. **Purpose** 12
2. **Selection for Complex Case Review** 12
3. **Case Processing** 12
   a. Assessment 12
   b. Internal Review Board 12
4. **Conducting the Investigatory Review** 13

METHODS AND STANDARDS **14**

1. Information Standards **14**
- a. Relevant Information 14
- b. Excluding Relevant Information 14
- c. Reliability of Assertions 14
- d. Evaluating Sources of Information 14
- e. Authenticating Information 15

2. Information Gathering **15**
- a. Approved Methods 15
- a. Misrepresentation of Identity 16
- b. Information from Online Sources 16
- c. Requests for Information/Documentation 17

3. Interviews **17**
- a. Interviewing Methods 17
- b. Scheduling Interviews 17
- c. Interview Locations 18
- d. Recorded Interviews 18
- e. Non-Recorded Interviews 18
- f. Participants 19
- g. Notice Requirements 19
- h. Joint Interviews 20
- i. Notes Taken During an Interview 20

RESOLUTION OF THE CERTIFICATION PROCESS **21**

1. Standard of Review **21**

2. Developing a Review Summary **21**

3. Posting a Certification Decision **21**

4. Decision Inquiry Process **22**

5. Application of the Legislation **23**

6. Determination of Amateurism Certification Conditions. **23**

7. Reconsideration **24**
- a. Standard for Reconsideration 24
- b. Requesting Reconsideration 24
- c. Staff-Initiated Reconsideration 24

MAINTENANCE AND RETENTION OF INFORMATION 26

1. **Confidentiality of Information** 26
   a. Public Announcements 26
   b. Confidentiality of Documents 26
   c. Protection of Confidential Sources 26

2. **Responsibility to Maintain a Case File** 26
   a. Items Specifically Excluded from the Case File 26
   b. Information Related to Multiple Reviews 26
   c. Document Retention/Destruction 27

3. **Communication and Sharing of Information** 27
   a. Sharing Information 27
   b. Interview Recordings and Transcripts 27
   c. Communication with Member Institutions 27
   d. Communication with Coaching Staff Members 27

4. **Use of a Secure Website** 28
   a. Identifying sensitive information 28
   b. Establishing a Secure Website 28
   c. Individuals Who May Access the Secure Website 29

OTHER CERTIFICATION CONSIDERATIONS 30

1. **Non-Certification Statuses** 30

2. **Amateurism Inconsistency Form** 30

3. **Expected Date of High School Graduation** 30
   a. Disagreement by Member Institution of Graduation Date Determination 30
   b. Change in Graduation Date Determination 30
   c. Unobtainable Documentation 30

4. **Initial Full-Time Collegiate Enrollment** 31
   a. Determining Initial Full-Time Collegiate Enrollment 31
   b. Advisory Opinion for International Enrollment 31

5. **Evaluating Receipt of Expenses from a Professional Team** 31

NCAA BYLAW 10.1 PROCEDURES – UNETHICAL CONDUCT 32

1. **Definition of Unethical Conduct (NCAA Bylaw 10.1)** 32

2. Notice Regarding Obligations under Bylaw 10.1 ..... **32**
a. Notice During Registration 32
b. Notice Prior to Interview 32

3. Requesting a 10.1 Assessment during the Investigative Process **32**

4. Enforcement Action **32**

DEFINITIONS

1. **Academic and Membership Affairs.** The NCAA department responsible for providing interpretations of NCAA legislation and determining amateurism certification conditions.

2. **Amateurism Certification Process.** The collection of policies and procedures through which the NCAA Eligibility Center determines the validity of the information on which the amateur status of a prospective student-athlete is based and issues an amateurism certification decision, pursuant to NCAA legislation.

3. **Amateurism Certification Staff.** Collectively, the unit of national office employees and contractors responsible for reviewing amateur status of incoming Division I and II prospective student-athletes.

4. **Amateurism Certification Process Management Team.** The director of amateurism certification and select members of the amateurism certification staff whose responsibilities include administration and oversight of the amateurism certification process.

5. **Complex Case Review.** A proactive approach to conducting the amateurism certification process (based on data analysis, open-source research methods and development of source information) designed to address issues that cannot be identified effectively through self-reported information.

6. **Committee for Legislative Relief.** Membership group authorized to provide relief of the legislation governing organized competition and the temporary certification period. Divisions I and II are served by separate committees, each of which is comprised of administrators from member institution within the respective divisions.

7. **Council-Approved Review Process.** Authority granted by the NCAA Division I Council to allow national office staff to consider extenuating circumstances and exercise reasonable discretion in evaluating certain cases where the prescribed analysis may result in an inappropriate negative impact to a prospective or enrolled student-athlete.

8. **Eligibility Center Registration System.** The online system through which a prospective student-athlete creates an account with the Eligibility Center and provides self-reported information regarding his or her academic and athletics participation.

9. **Institutional Request List (IRL).** The list of prospective student-athletes for whom an NCAA Division I or II institution is requesting a certification decision.

10. **Internal Review Board.** A committee of Eligibility Center staff members charged with evaluating each complex case review for compliance with operational guidelines.

11. **Membership Portal.** The online system through which a member institution can manage its IRL, access information regarding the status and content of a prospective student-athlete's account and view certification decisions.

12. **NCAA Division I Amateurism Fact-Finding Committee.** Membership group authorized to establish the factual basis on which an amateurism certification will be evaluated if the amateurism certification staff and involved institution are unable to agree on one or more facts.

13. **Operational Guidelines.** The internal workflow and business practices for providing consistent, efficient and effective amateurism certifications in accordance with policies and procedures.

14. **Prospective Student-Athlete.** Any individual whose certification by the Eligibility Center is required for athletics participation in at a NCAA Division I or II institution.

15. **Student-Athlete Reinstatement Staff.** The staff within academic and membership affairs that determines the amateurism certification condition(s) for reinstatement of eligibility.

16. **Streamlined Review Process.** Authority granted by the NCAA Division II Committee for Legislative Relief to ensure equitable treatment to all prospective student-athletes who are subject to conditions under the organized competition legislation and meet a specified threshold reflecting limited competition.

ADMINISTRATION OF THE AMATEURISM CERTIFICATION PROCESS

1. **Overview**. Pursuant to NCAA Division I Bylaw 12.1.1.1 and NCAA Division II Bylaw 12.1.1.1, NCAA Divisions I and II institutions shall use the Eligibility Center to determine the validity of the information on which the amateur status of a prospective student-athlete is based. Eligibility Center management has designated the amateurism certification staff to administer the amateurism certification process, which shall be governed by the policies and procedures set forth herein as implemented through the operational guidelines of the amateurism certification process.

2. **Jurisdiction and Scope.** The amateurism certification process administered by the Eligibility Center shall certify compliance with NCAA amateurism and organized competition legislation for all prospective student-athletes before initial full-time collegiate enrollment at a Division I or II institution.

   a. Timing. The certification is limited to the period before the prospective student-athlete's request for final amateurism certification or the student's full-time enrollment at a Division I or II institution (whichever occurs earlier). Where an amateurism violation, or a collection of closely-related violations, occurred before the request for final amateurism certification but continued beyond the request, the amateurism certification staff will review the matter in its entirety, provided the violation(s) concluded before the student's initial enrollment at a member institution.

   b. Transfer/Joint Jurisdiction. When the amateurism certification staff identifies information that may indicate a violation beyond the scope of its jurisdiction, the staff may transfer the review to enforcement or proceed with a joint review in accordance with each department's respective policies and procedures.

3. **Institutional Responsibility**. If an institution receives information relevant to the evaluation of a prospective student-athlete's pre-enrollment amateur status or otherwise has cause to believe the student's pre-enrollment amateur status has been jeopardized, the institution is responsible for promptly notifying the Eligibility Center of such information. In addition, an institution is responsible for promptly reporting any discrepancies in the information on which a student's amateurism certification is based to the Eligibility Center (per NCAA Divisions I and II Bylaw 12.1.1.1.2.2).

4. **Conflict of Interest Policy**. A staff member shall avoid participating in any review where a personal relationship or institutional affiliation reasonably may result in the appearance of bias or prejudice. It is the staff member's responsibility to promptly notify their supervisor upon identifying such a conflict. Further, a staff member is required to recuse themselves from participating in a review if they believe participation may impair or compromise the integrity of the process or the certification decision.

5. **Adherence to Policies and Procedures**. National office staff, institutional staff, prospective student-athletes and any representatives participating in the amateurism certification process are required to participate in accordance with policies and procedures.

   a. If any party believes a national office staff member has knowingly failed to comply with policies and procedures in a manner that substantially impacted the review, the party shall notify, in writing, the director of amateurism certification or the vice president of the Eligibility Center, who shall endeavor to address the matter promptly and appropriately.

   b. If any party believes an institutional staff member has knowingly failed to comply with policies and procedures in a manner that substantially impacted the review, the party shall notify, in writing, the director of amateurism certification or the vice president of the Eligibility Center, who shall conduct an initial inquiry and refer the matter to enforcement as appropriate.

   c. If any party believes a representative or other third party has knowingly failed to comply with policies and procedures in a manner that substantially impacted the review, the party shall notify, in writing, the director of amateurism certification or the vice president of the Eligibility Center, who shall review the matter and take appropriate action.

6. **Third-Party Participation.**

   a. Institutional Staff Members.

      (1) An institution may designate a non-coaching staff member to assist a prospective student-athlete with the certification process; however, a non-coaching staff member with sport-specific responsibilities may not assist a prospective student-athlete in his own sport.

      (2) An institutional coaching staff member may not assist a prospective student-athlete with the certification process unless the coach's formal job responsibilities include administration of the institution's compliance program and the prospective student-athlete does not participate in the coach's sport.

      (3) No institutional staff member shall advise, instruct or otherwise influence any prospective student-athlete or other individual (e.g., outside team official) to answer questions in any specific manner. Information indicating such activities have occurred shall be referred to enforcement.

b. Representatives.

(1) An institution may designate a non-staff representative to assist the institution with the certification process by adding the individual to its list of Eligibility Center contacts and providing the institution's NCAA organization ID to the third-party representative. Each member institution is responsible for managing its Eligibility Center contact list. Unless stated otherwise, all provisions applicable to institutional staff members shall be applicable to the institution's representative for purposes of the certification process.

(2) A prospective student-athlete may designate a representative for assistance with the certification process by providing the student's Eligibility Center credentials (i.e., email address and password) to that individual. Unless stated otherwise, all provisions applicable to the student shall be applicable to the student's representative for purposes of the certification process. A prospective student-athlete's representative shall be authorized to participate in the process to the same extent the student would be permitted to participate if the student were not represented. A student's representative is not authorized to respond to staff inquiries on the student's behalf.

(3) Any other individual or entity requested to provide information in conjunction with an amateurism certification review may designate a representative who shall be authorized to assist the individual to the extent of his or her own involvement in the certification process only.

CORE CERTIFICATION

1. **Purpose**. Core certification is a component of the amateurism certification process designed to address issues that can generally be identified through self-reported information and standard research protocols, including enrollment, prize money and participation history.

2. **Selection for Core Certification**. Prospective student-athletes may be selected for core certification based on criteria established by the Eligibility Center before each certification season. Triggers are intended only as a method for managing workflow and allocating certification resources. Selection for manual review through core certification does not necessarily indicate a violation has been identified.

3. **Order and Assignment of Reviews**. Cases shall be reviewed in the order they become ready to process.

    a. A case is ready to process when the prospective student-athlete is active on a current IRL, has requested final amateurism certification and has no open amateurism-related tasks pending.

    b. An institution may request urgent review of any account that is ready to process. Urgent requests may be submitted through the membership portal, and the staff will generally review all account urgent requests within two business days. To ensure reasonable service for all prospective student-athletes and member institutions, the staff reserves the right to remove the urgent status from an account where an institution has submitted excessive or inappropriate requests for urgent review.

    c. Where resources permit, the staff may conduct preliminary review of prospective student-athletes on a future IRL in the order of IRL activation and subsequent response. The staff cannot commit to providing preliminary evaluations on request.

4. **Case Processing**. Requests for information or documentation needed to process a review will be documented as tasks through the Eligibility Center website.

    a. Email requests for information will be visible in the membership portal for all institutions that have the prospective student-athlete on an active IRL.

    b. Institutions will not be copied on email requests.

COMPLEX CASE REVIEW

1. **Purpose**. Complex case review is a proactive component of the amateurism certification process designed to address issues that cannot be identified effectively through self-reported information. The fact-gathering process relies on data analysis, development of source information and desktop research methods. In addition to providing amateurism certifications, complex case review provides visibility to trends in the pre-enrollment environment for the membership.

2. **Selection for Complex Case Review**. Prospective student-athletes may be selected for complex case review based on criteria (triggers) established by the Eligibility Center before each certification season. Triggers are intended only as a method for managing workflow and allocating certification resources. Selection for complex case review does not indicate a violation has been identified.

3. **Case Processing**. The complex case review process consists of two stages: assessment and investigation.

   a. Assessment. Once a prospective student-athlete has been selected for complex case review, the amateurism certification staff conducts the assessment phase, which involves desktop research. After the assessment, the staff will assess whether all available information supports providing a final certification. With approval of an associate director or director of amateurism certification, the staff may transfer a review to the core certification team, request an institution conduct an institutionally-managed review or present the review to the Internal Review Board, which may authorize an investigatory review.

   b. Internal Review Board. If information identified through the assessment stage reasonably suggests an amateurism violation may have occurred, the information may be presented to the Internal Review Board to determine:

      (1) Whether sufficient information exists to believe an amateurism violation may have occurred;

      (2) Whether additional fact-gathering is likely to develop relevant information on which a reasonable person can make such a determination; and

      (3) Whether the scope of the potential violation warrants allocation of resources.

   If any member of the Internal Review Board objects to proceeding with the review, the review shall not proceed with an investigatory review.

4. **Conducting the Investigatory Review.** The institution and staff shall endeavor to execute the review plan in a timely manner and communicate promptly any circumstances that necessitate a different course of action. Material changes to the review plan shall be documented in writing; material changes requested by the staff shall be approved by the supervisor with oversight for complex case review to ensure timely service given the nature of the potential violation(s) and the circumstances of the review.

METHODS AND STANDARDS

1. **Information Standards.** The amateurism certification staff shall consider all information that is reasonably available and relevant to the amateurism certification process.

   a. Relevant Information.

      (1) Information is relevant if:

         (a) It has any tendency to make a fact more or less probable than it would be without the information; and

         (b) The fact is of consequence in determining the facts of the certification determination.

      (2) Information relevant only to a potential interpretation, waiver or reinstatement process is outside the scope of the amateurism certification process; therefore, such information is not relevant to the amateurism certification process.

   b. Excluding Relevant Information. Otherwise relevant information may be excluded if its value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, undue delay, wasting time or needlessly presenting cumulative information. The staff shall exercise appropriate discretion when excluding information from the review and shall do so only with the approval of the director of amateurism certification; any determination by staff to exclude information from the review may be appealed to the chair of the Amateurism Fact-Finding Committee.

   c. Reliability of Assertions. Information regarding an individual's truthfulness or untruthfulness may be relevant, particularly where the weight of the individual's testimony or participation in the certification process is at issue. However, evidence of truthfulness is relevant to a review only where the individual's truthfulness has been attacked.

   d. Evaluating Sources of Information. Information shall be evaluated in accordance with the following:

      (1) Tier One Information (may be used to establish a fact absent credible information to the contrary).

         (a) Contemporaneous documentation.

         (b) Public records.

(c) Documented assertions from a known source, including, but not limited to audio/video, social media or interviews with traditional media, provided contemporaneous to the issue being addressed.

(d) Assertions from a known source provided against the individual's own interests.

(2) Tier Two Information (may be used to establish a fact in conjunction with an independently-corroborating source absent credible information to the contrary).

(a) Registration or other self-reported information.

(b) Assertions provided in support of an individual's own interests (other than contemporaneous accounts).

(c) Media reports.

(d) Data analysis.

(3) Tier Three Information (may be used as a potential lead but may not be used to establish or corroborate a fact).

(a) Statement(s) from a confidential source.

(b) Social media posting(s) from an unknown source.

(4) Information not specifically identified above must be evaluated individually to determine any inherent indicia of trustworthiness and tiered accordingly. Factors to consider when evaluating the inherent trustworthiness of information shall include the credibility of other information provided by the same source, timing of the information, motivation and opportunity to provide misinformation, and the extent to which the information aligns with other (independent) sources.

e. Authenticating Information. Information put forth in a review (e.g., document, social media account) shall be presumed authentic if it reasonably appears to be what it is represented to be. If evidence of inauthenticity is produced to rebut that initial presumption, the information shall be relied upon only if the authenticity of the evidence can be reasonably corroborated.

2. **Information Gathering**. If the staff receives or develops information relevant to a prospective student-athlete's amateurism certification, and that information is believed to be reliable, the staff may seek additional facts to assess the veracity, or otherwise clarify such information.

a. Approved Methods.

(1) The following methods may be used to gather information:

(a) Information submitted by or about the prospective student-athlete or any party associated with a review through the Eligibility Center registration or another process within the national office.

(b) Written communication with the prospective student-athlete, involved institution or other individual who may have relevant information associated with a review.

(c) Open-source research, including, but not limited to, traditional and social media websites, subscription-based publications and services, and public records.

(d) Telephonic or in-person interviews.

(e) Documents and records requests, including but not limited to contracts or agreements, forms, computer records, financial records, tax records, legal documents and telephone records.

(f) Review of publicly available information.

(g) Observation of public places or events.

(h) Research, including use of public records and subscription-based services.

(i) Analysis of information developed collectively through the amateurism certification process.

(j) Information provided by NCAA member institutions.

(k) Communications between units within the Eligibility Center and other departments within the NCAA national office.

(l) Communications from third-party sources, including confidential source information and anonymous tips.

(2) The amateurism certification staff shall obtain written approval from the director of amateurism certification before using any other methods of gathering information.

b. Misrepresentation of Identity. A staff member shall accurately identify himself or herself to any individual from whom the staff is seeking information in connection with a review. Email communication shall be conducted using an ncaa.org email address.

c. Information from Online Sources. The staff shall not use deception or other unauthorized means to access any online system or account.

(1) A staff member must use his or her real name in connection with any social media account used to gather information for an amateurism certification.

(2) A staff member may request to "follow" or "friend" a prospective student-athlete or other individual or entity to gather information related to an amateurism certification, provided the staff member does not hide his or her identity.

(3) A staff member may contact an individual through social media to facilitate further communication by email, telephone or in-person meeting; however, such communications shall be made through the social media service's private messaging feature.

d. Requests for Information/Documentation. When requesting information or documents that are reasonably within a prospective student-athlete's influence or control, the staff may establish a reasonable deadline by which to respond. If the student does not provide the requested information by such reasonable deadline or demonstrate good faith efforts to obtain the requested information, the staff may decline to accept later submissions regarding the matter in question, draw a reasonable inference from the failure to submit the requested information or issue a decision of Not Certified for Non-Response (NCNR).

3. **Interviews**. The amateurism certification staff may conduct an interview anytime the staff determines, in its sole discretion, an interview may be an efficient or effective method for conducting completing the certification. For example, interviews may be required in cases involving language barriers, high-profile or elite athletes, review of multiple students involved with the same individual or organization, third-party influence in the certification process, receipt of conflicting or unreliable information and/or the potential for withholding or other significant eligibility conditions.

a. Interviewing Methods. Interviews may be conducted by telephone or in person. All circumstances shall be evaluated in determining the appropriate method for conducting an interview. Requests for in-person interviews must be authorized by the director of amateurism certification.

b. Scheduling Interviews. The staff and involved institution shall exercise reasonable efforts to conduct interviews collaboratively when a prospective student-athlete, institutional staff member or prospective student-athlete's family member is involved. Circumstances that may preclude joint participation in an interview include, but are not limited to, scheduling conflicts, interview with an individual is not within the jurisdiction of any NCAA process, issues involving multiple prospective student-athletes at more than one institution, interviews conducted for background information on a matter ancillary to a particular prospective student-athlete's amateur status or interviews conducted to validate previous information.

c. Interview Locations. Interviews may be conducted at any location agreeable to all participating parties (e.g., campus, hotel, public library).

d. Recorded Interviews. It is preferred but not required that interviews be recorded.

(1) *Notification of Start and End of Recording*. At the start of a recorded interview, the staff member conducting the interview shall request confirmation, on the record, that the interviewee understands the interview is being recorded and shall obtain voice identification from all parties present for the interview. At the completion of the interview, the staff member shall indicate the point at which the recording has stopped.

(2) *Maintaining an accurate record*. The parties shall endeavor to maintain an accurate record through the course of a recorded interview, which may include identifying nonverbal communication, use of exhibits, passing notes, reading from supplements or other assistance.

(3) *Transcription of an Interview*. Following a recorded interview, the staff member may submit the recording for transcription depending on whether a transcript is necessary for completing the review. If an interview is transcribed, all parties who participate in the recorded interview may receive a copy of the interview transcript through a secure web custodial after signing a confidentiality agreement. If the interview is not being transcribed, all parties who participated in the recorded interview may receive a copy of the interview recording through a secure web custodial after signing a confidentiality agreement.

e. Non-recorded Interviews. If the interview subject objects to being recorded, the recording device malfunctions, or the staff member conducting the interview believes the use of a recording device would inhibit the conduct of the interview, the staff member shall prepare a written summary documenting the substance of the interview within 24 hours and attempt to obtain confirmation of its accuracy from the interview subject. The interview subject will be permitted to make non-substantive corrections to the memorandum before affirming its accuracy. If an interviewee wants to make additions or corrections that materially alter the substance of the written summary, the new information shall be treated as a separate interview. Information from a non-recorded interview which was not affirmed by the interview subject may be considered by the applicable fact-finding authority to the extent the information is deemed reliable. A copy of the non-recorded interview summary shall be provided, on request, to any individual who participated in the interview.

f. Participants. There shall be no specific limit on the number of individuals who may participate in an interview. However, to encourage candid discussion, minimize undue stress for the interview subject and preserve confidentiality, all parties shall exercise best efforts to limit attendance to those individuals who are actively participating in the interview process. The staff reserves the right to place a reasonable limit on the number and nature of individuals who are present for an interview.

(1) *Presence of Institutional Staff or Institutional Representative.* In any interview of a prospective student-athlete who has enrolled at or signed a NLI with an institution, a representative from that institution may participate in the interview. If the staff will discuss information related solely to a prospective student-athlete at another institution, and that information is not reasonably expected to affect the student's eligibility at the representative's institution, the institutional representative shall be excused from that portion of the interview.

(2) *Presence of the Prospective Student-Athlete's Parent, Legal Guardian or Representative during the Interview.* The prospective student-athlete's parent, legal guardian or other representative may be present during the interview or may participate remotely by telephone, videoconference or other available technologies whenever practicable. However, the staff reserves the ability to determine the order and timing of interviews if the parent or legal guardian will also be interviewed. Further, the staff reserves the ability to deny participation of any individual, including a parent or legal guardian, to protect the integrity of the investigation, preserve confidentiality, enforce compliance with policies and procedures and/or eliminate scheduling conflicts.

(3) *Role of interview participants.* The interview subject is expected to respond to any questions reasonably related to the matter(s) or inquiry. Participants to the interview shall not respond for the interview subject or otherwise interfere with the interview process. Objections may be noted for the record but will not be adjudicated during the interview. Any participant who unreasonably impedes the conduct of the interview will be excused from participating.

g. Notice Requirements. The following notifications shall be provided, orally or in writing, to a prospective student-athlete at the start of the interview or in advance of the interview.

(1) *Purpose.* The purpose of the interview is to determine whether the prospective student-athlete has knowledge of or has been involved in any violation of NCAA amateurism or delayed-enrollment legislation.

(2) *Complete and Accurate Information.* The prospective student-athlete has an obligation to provide complete and accurate information; refusing to provide information or providing false or misleading information may jeopardize the prospective student-athlete's eligibility.

(3) *Confidentiality*. The information discussed during the interview is confidential and shall not be discussed with others. Failure to maintain confidentiality may jeopardize the prospective student-athlete's eligibility.

h. Joint Interviews. If the amateurism certification staff is conducting a joint interview with another unit or department of the NCAA national office, the amateurism certification staff shall comply with the policies and procedures set forth in this section. However, the amateurism certification staff is not obligated or expected to repeat information that has already been communicated to the interviewee during the joint interview. For example, if the individual being interviewed was notified of his or her ability to have representation, or the obligation to provide complete and accurate information, an amateurism certification staff member who is participating in the joint interview is not required to repeat those notices.

i. Notes Taken During an Interview. Any individual participating in an interview may take notes of the interview. These notes constitute the personal impressions of the note taker only and are not part of the case file. There is no obligation to disclose these notes to any other party.

RESOLUTION OF THE CERTIFICATION PROCESS

1. **Standard of Review**. After the fact-gathering process, the staff will evaluate available information and develop a set of facts on which to base the certification. Where the record contains conflicting or circumstantial information, the staff may determine the version of events that is more likely than not for purposes of conducting its evaluation.

2. **Developing a Review Summary**. If the staff determines a violation may have occurred, the staff will draft a review summary describing the staff's assessment of the certification and the factual determinations on which the staff relied. The review summary will be posted to the student's account for review in the membership portal.

   a. Delayed Enrollment. If the staff determines a delayed enrollment violation may have occurred, a certification decision will be posted based on the applicable legislative condition (as amended by CARP guidelines).

   b. Amateurism Violation. If the staff determines an amateurism violation may have occurred, a Final Not Certified condition will be posted. A member institution may request reinstatement by submitting a reinstatement request through RSRO.

3. **Posting a Certification Decision**. The amateurism certification staff will post one of the following designations to reflect its assessment of the prospective student-athlete's certification status:

   a. Final Certified. The amateurism certification staff has completed its review, and the prospective student-athlete is not subject to any amateurism certification conditions.

   b. Final Certified with Conditions. The amateurism certification staff has completed its review and determined the prospective student-athlete is subject to seasons charged or a year in residence for organized competition.

   c. Final Not Certified. The amateurism certification staff has completed its review and determined the prospective student-athlete may have committed an amateurism violation. A member institution may appeal the staff's application of the legislation by submitting an interpretation request in RSRO or may submit a reinstatement request in RSRO for review by the student-athlete reinstatement staff. [Note: This status shall not be used to reflect seasons charged under the organized competition legislation, even if the prospective student-athlete has no seasons of competition remaining after application of the legislated condition].

   d. Not Applicable. The amateurism certification staff has determined it is inappropriate or unnecessary to provide a certification decision for one or both division(s).

   e. Not Certified – No Response (NCNR). The amateurism certification staff is unable to complete the certification because the staff is unable to acquire an essential piece of information.

4. **Decision Inquiry Process.** After a certification decision is posted, an institution may appeal the staff's determination of facts by submitting a decision inquiry form, which can be obtained by contacting Eligibility Center Customer Service.

   a. The staff will only consider one decision inquiry form per institution for each account.

   b. The decision inquiry form must be submitted within 30 calendar days of the certification decision; if an institution begins recruiting the prospective student-athlete after a decision has been posted, the decision inquiry form must be submitted within 30 calendar days of the date on which the student was added to that institution's IRL. Additional information submitted beyond 30 calendar days of the certification decision (or new IRL activation) will be subject to the standard for reconsideration.

   c. The staff will only consider factual disputes through the decision inquiry process. The staff is not authorized to consider interpretive arguments, challenges to the expected date of high school graduation or mitigation for the certification conditions.

   d. Assertions put forth in the decision inquiry form must be accompanied by contemporaneous supporting documentation or identify specific factual discrepancies in the existing record.

   e. Once a decision inquiry form is submitted (via upload through the membership portal), the staff will review the new information and post a response on the student's account, which will be visible in the membership portal.

   f. The staff response will generally be available within 10 business days of the decision inquiry form upload. However, new assertions or new documentation may necessitate further inquiry before a response can be issued.

5. **Application of the Legislation.** The amateurism certification staff will apply the legislation to the facts of the review and issue a certification decision.

   a. Interpretation Requests. An institution may appeal the staff's application of the legislation by submitting an interpretation request in RSRO. The contents of the prospective student-athlete's account will be available to academic and membership affairs staff through Liferay, and the interpretation shall be based on information as determined by the amateurism certification staff (i.e., reflected in the review summary or DIF response) or as determined by the applicable fact-finding authority.

   b. Interpretation Appeals. An institution may appeal an interpretation in accordance with the established policies and procedures for the applicable division. Requests to appeal an interpretation shall be submitted to the appropriate authority within the divisional governance structure directly. The appeal shall be based on information as determined by the amateurism certification staff (i.e., reflected in the review summary or DIF response) or as determined by the applicable fact-finding authority.

6. **Determination of Amateurism Certification Conditions.**

   a. Student-Athlete Reinstatement Requests. If a prospective student-athlete has been certified as Final Not Certified, an institution may submit a reinstatement request in RSRO for review by the student-athlete reinstatement staff. The contents of the prospective student-athlete's account will be available to academic and membership affairs staff through Liferay, and the certification conditions shall be based on information as determined by the amateurism certification staff (i.e., reflected in the review summary or DIF response) or as determined by the applicable fact-finding authority.

   b. Legislative Relief Waivers. If a prospective student-athlete has been certified with a delayed enrollment condition, an institution may submit a legislative relief waiver request in RSRO for review the academic and membership affairs staff. The contents of the prospective student-athlete's account will be available to academic and membership affairs staff through Liferay, and the certification conditions shall be based on information as determined by the amateurism certification staff (i.e., reflected in the review summary or DIF response) or as determined by the applicable fact-finding authority.

   c. Waiver and Reinstatement Decision Appeals. An institution may appeal a waiver or reinstatement decision in accordance with the established policies and procedures for the applicable division. Requests to appeal a waiver or reinstatement decision shall be submitted to the appropriate authority within the divisional governance structure directly. The appeal shall be based on information as determined by the amateurism certification staff (i.e., reflected in the review summary or DIF response) or as determined by the applicable fact-finding authority.

7. **Reconsideration.**

a. Standard for Reconsideration.

(1) Reconsideration may be granted on presentation of new information that meets the following standard:

(a) Newly discovered;

(b) Relevant and non-repetitive; and

(c) Not reasonably available to any party involved in the review at the time of initial certification decision for reconsideration to be appropriate. [Note: efforts to gather additional information from known sources that were not initiated during the certification are specifically excluded from reconsideration.]

(2) Any request for reconsideration must be accompanied by contemporaneous documentation.

b. Requesting Reconsideration.

(1) All requests for reconsideration will be reviewed by the director of amateurism certification or designee to determine whether the reconsideration standard has been met.

(2) If reconsideration is authorized, the amateurism staff shall proceed with validating the new information and investigating any factual matters that may be affected by identification of the new information.

(3) If reconsideration is authorized, the prospective student-athlete's certification decision will be changed to Pending Manual Review to reflect that the certification process has not concluded.

c. Staff-Initiated Reconsideration.

(1) If the Eligibility Center receives information regarding activities that may have occurred before the prospective student-athlete's request for amateurism certification (or initial full-time enrollment at a Division I or II institution), whichever occurred earlier, the staff may reopen an amateurism certification, provided the information was not reported by the prospective student-athlete previously or contradicts information reported by the student-athlete previously.

(2) All requests for staff-initiated reconsideration will be reviewed by the director of amateurism certification or designee to determine whether the reconsideration standard has been met.

(3) If reconsideration is authorized, the prospective student-athlete's certification decision will be changed to Pending Manual Review to reflect that the certification process has not concluded.

(4) Unless requested by the institution where the prospective student-athlete has enrolled or intends to enroll, or that institution's conference office, the staff will not reopen a certification based on certification error (i.e., information on which a potential violation is based was reported to the Eligibility Center before the certification decision and was not disputed by the prospective student-athlete or involved institution).

MAINTENANCE AND RETENTION OF INFORMATION

1. **Confidentiality of Information**. The amateurism certification staff shall treat all reviews as confidential. No staff member shall speak with the public, media or any uninvolved third party about any amateurism certification review, unless approved by the director of amateurism certification.

   a. Public Announcements. The staff shall neither confirm nor deny the existence of a review unless approved by the director of amateurism certification.

      (1) Any public inquiries shall be directed to the director of amateurism certification, who will facilitate an appropriate response in accordance with national office and department policies.

      (2) If an involved institution or prospective student-athlete, or a representative of either, makes a public announcement regarding a matter under review, the director of amateurism certification (or designee) may confirm information made public and may address erroneous or incomplete information about matters made public by the institution, prospective student-athlete or other involved individual.

      (3) At any time, the national office may issue a press release or public comment when deemed appropriate by the vice president of the Eligibility Center.

   b. Confidentiality of Documents. Any documents prepared during a review (e.g., correspondence, transcripts, interview summaries) shall be treated as confidential, shared within the national office for legitimate business purposes only, or distributed as otherwise permitted in the amateurism certification policies and procedures.

   c. Protection of Confidential Sources. To the extent permissible under law, the staff shall protect the identity of any confidential source. If legal action requires the staff to disclose the identity of a source, the NCAA will exercise every option to limit the scope and audience of that disclosure.

2. **Responsibility to Maintain a Case File**. The staff shall maintain all relevant information obtained during the review, including responses to written requests, recorded interviews, interview summaries, interview transcripts and other relevant information. Information pertaining to a review shall be maintained in the applicable case management system or other designated location.

   a. Items Specifically Excluded from the Case File. Personal notes, impressions, confidential source information and internal communications are not considered part of the case file.

   b. Information Related to Multiple Reviews. Independent research, source information, interview summaries (or transcripts) or other documentation that may relate to one or more reviews shall not be considered part of the case file until such

information is determined to reasonably relate to a particular review, at which time such information shall be modified as reasonably necessary to maintain the privacy of prospective student-athletes or other individuals whose circumstances are not related directly to the current review.

c. Document Retention/Destruction. The staff shall follow the document retention policy set forth by the NCAA national office. The staff shall not retain paper files associated with a review after the review has concluded unless the information is relevant to a future review or subject to a legal hold.

3. **Communication and Sharing of Information.**

a. Sharing Information. There may be instances when the staff has information that, if shared immediately with the involved institution or prospective student-athlete, could compromise the integrity of the review, even without malicious intent to do so. In those instances, and after consulting with the director of amateurism certification, the staff shall inform the involved institution or prospective student-athlete that the staff has information it will not immediately share and share the information in a timely manner after concluding that disclosure will not materially jeopardize the review.

b. Interview Recordings and Transcripts. Any individual, other than a national office staff member, who wishes to record an interview, shall agree to a statement of confidentiality. Such agreement may be written or recorded. Any refusal to maintain confidentiality shall be noted on the record before the interview begins and the individual shall be precluded from recording or receiving a transcription of the interview. Such individual may be excluded from the interview at the staff's discretion.

c. Communication with Member Institutions. The staff shall not share information with a member institution regarding an amateurism certification review unless the involved prospective student-athlete is active on the member institution's IRL. This policy does not preclude staff from communicating information that has been sufficiently redacted or aggregated to support the governance process or serve as a resource for the amateurism certification process.

d. Communication with Coaching Staff Members. The staff may, at its discretion, communicate information regarding a review with an institution's coaching staff member unless the staff believes a coaching staff member's involvement or knowledge of the information may jeopardize the integrity of the review. A coaching staff member shall not participate in the conduct of an amateurism review, unless the coach's official responsibilities include athletics compliance and the review does not involve a prospective student-athlete in the coach's sport.

4. **Use of a Secure Website**. The amateurism certification staff shall use a secure website in instances where the staff, in its discretion, believes unrestricted distribution to be inappropriate.

   a. Identifying sensitive information. The following types information will typically warrant the use of a secure website:

      (1) Information gathered from a third-party individual or entity without involvement of the institution or prospective student-athlete.

      (2) Contracts, agreements and compensation information provided by teammates of international prospective student-athletes (e.g., former NCAA student-athletes competing in club systems abroad).

      (3) Contracts, agreements and compensation information provided by international teams and federations.

      (4) Interview transcripts and/or recordings from interviews conducted outside the presence of an institutional representative.

      (5) Summaries of unrecorded interview conducted outside the presence of an institutional representative.

      (6) Financial or medical records.

      (7) Any information the amateurism certification staff is specifically requested to transmit only through a secure website by the prospective student-athlete, involved institution or information source.

   b. Establishing a Secure Website. Amateurism staff shall take the following steps when creating a secure website:

      (1) Send the following documents to the institution or entity for which the custodial website is being created:

         (a) An email outlining the purpose and content of the website and directions regarding use of the website; and

         (b) The applicable web custodial agreement(s).

      (2) Send access information to individuals entitled to access the custodial website after receiving a signed web custodial agreement. An individual who purports to be a representative of the prospective student-athlete, institution or other authorized party shall be subject to confirmation pursuant to third-party policies.

c. Individuals Who May Access the Secure Website. The following individuals may be provided access to the secure website upon written request and compliance with the policies and procedures set forth in the section titled, "Establishing a Secure Website":

(1) The prospective student-athlete;

(2) The prospective student-athlete's parents or legal guardians, if the prospective student-athlete is a minor or has authorized as a representative;

(3) Authorized staff members or representatives of the involved institution;

(4) Any individual or entity who is the source of the particular information; and

(5) Authorized representative(s) of any individual or entity who is authorized to access the secure website.

OTHER CERTIFICATION CONSIDERATIONS

1. **Non-certification Statuses**. The staff will post one of the following designations to reflect the status of a review before completion of the certification process:

   a. Pending Review. Certification is awaiting review by the amateurism certification staff.

   b. Incomplete Web Entry. The prospective student-athlete has not completed the registration process for one or more sports.

2. **Amateurism Inconsistency Form**. Any institution may submit an amateurism inconsistency form at any time to report discrepancies or additional information pursuant to Bylaw 12.1.1.1.2.2. Information submitted after the certification has been issued will be evaluated in accordance with the applicable reconsideration policy.

3. **Expected Date of High School Graduation**. If the amateurism certification staff requires a prospective student-athlete's expected date of high school graduation to complete its review, the staff shall request an official date from the academic certification staff. The amateurism certification staff shall use the date provided by the academic certification staff for purposes of conducting its amateurism certification.

   a. Disagreement by Member Institution of Graduation Date Determination. Any challenge to the accuracy or legitimacy of the expected date of high school graduation shall be directed to the appropriate academic authority within the Eligibility Center.

   b. Change in Graduation Date Determination. If a prospective student-athlete's expected date of high school graduation changes after the amateurism certification decision has been issued, the staff will reopen the certification and reevaluate based on the new information, provided the student or institution did not previously submit a high school graduation date disclaimer.

   c. Unobtainable Documentation. In the extraordinarily rare circumstance where documentation necessary to establish the expected date of high school graduation is unobtainable, the prospective student-athlete or institution may submit a high school graduation date disclaimer authorizing staff to issue a certification based on available information (i.e., a preliminary graduation date or no graduation date). [*Note*: A high school graduation date disclaimer may result in a Final Not Certified decision.]

4. **Initial Full-Time Collegiate Enrollment.**

   a. Determining Initial Full-Time Collegiate Enrollment. When a prospective student-athlete's initial full-time collegiate enrollment is relevant to the certification decision, the amateurism certification staff shall request a matriculation letter from the involved institution(s). Absent a conflict in documentation (e.g., two or more matriculation letters reflect contradictory information), the staff should defer to the matriculation letter for determining whether a prospective student-athlete has previously enrolled full-time at a collegiate institution (and the initial date of such full-time enrollment).

   b. Advisory Opinion for International Enrollment. If the involved institution(s) cannot determine whether the prospective student-athlete's previous institution constitutes a collegiate institution and/or cannot determine part-time and full-time enrollment, the NCAA International Student Records Committee may provide an advisory opinion regarding whether a student-athlete enrolled in a minimum, full-time program of studies in any quarter or semester of an academic year at an international institution.

5. **Evaluating Receipt of Expenses from a Professional Team.** During its teleconference on December 12, 2014, the NCAA Division I Amateurism Cabinet instructed staff to require contemporaneous documentation of asserted expenses in excess of nominal value, to determine whether the prospective student-athlete received benefits in excess of actual and necessary expenses. Further, in the absence of contemporaneous documentation, the Amateurism Cabinet authorized staff to apply a uniform standard, which would allow prospective student-athletes to demonstrate presumptive compliance with the legislation without compromising the consistency or predictability of the certification process. Specifically, the Amateurism Cabinet authorized staff to use the average expenses for a household in the locale as a standard for actual expenses where the prospective student-athlete cannot document actual expenses through contemporaneous documentation. During its June 2015 meeting, the Student-Athlete Experience Committee affirmed the use of average household expenses in the locale of the professional team as a standardized benchmark for actual and necessary expenses in the absence of contemporaneous documentation of expenses.

NCAA BYLAW 10.1 PROCEDURES – UNETHICAL CONDUCT

1. **Definition of Unethical Conduct (NCAA Bylaw 10.1).** Unethical conduct may include, among other activities (as set forth in Bylaw 10.1), failure to provide complete and accurate information to the NCAA, the Eligibility Center or an NCAA member institution's athletics department regarding an individual's amateur status.

2. **Notice Regarding Obligations under Bylaw 10.1.**

   a. Notice During Registration. A prospective student-athlete will be provided notice of his or her obligation to provide complete and accurate information to the Eligibility Center as part of the Eligibility Center's online registration process.

   b. Notice Prior to Interview. A prospective student-athlete will be provided notice of his obligation to provide complete and accurate information to the Eligibility Center prior to any interview. Further, the prospective student-athlete will be notified that failure to provide complete and accurate information may jeopardize his or her NCAA eligibility.

3. **Requesting a 10.1 Assessment during the Investigative Process.** At any time during an amateurism certification, the staff may require the involved institution to conduct a Bylaw 10.1 assessment with the prospective student-athlete. If the institution believes the information being provided by the prospective student-athlete is complete and accurate, the staff may require the institution to provide a written statement attesting to the completeness and accuracy of the prospective student-athlete's answers, assertions and information.

4. **Enforcement Action.** If the staff believes there is institutional involvement in an unethical conduct violation, or the staff believes an institution has failed to meet its obligation to self-report an unethical conduct violation involving a prospective student-athlete, the amateurism certification staff shall refer the matter to enforcement for review.