



**THE UNIVERSITY OF
NORTH CAROLINA SYSTEM**

NCAA Transfer Rules and Exceptions



UNC CHARLOTTE

Chancellor Philip L. Dubois
January 10, 2019

NCAA Transfer Rules and Exceptions

Legislative changes effective October 15, 2018 make transfer easier than before.

- “Permission to Contact” replaced by “Notification of Transfer.”
- Decision switched from Athletic Director to Student-Athlete.

Transfer requires one year of residence at new institution unless an exception is granted.

- Recognizes commitment made by home institution in recruitment, financial aid, and player development.
- Student may receive financial aid during first year and practice with the team (but may not compete).

In sports other than baseball, basketball, FBS football, or men's ice hockey, a one-time exception to residence requirement is typically granted to SAs if:

- The SA has not previously transferred.
- The SA remains academically eligible.
- The SA is transferring from an FBS football school to an FCS football school or from an FCS scholarship school to an FCS non-scholarship school.
- The original institution from which the SA is transferring has no objection to the exception being granted (with opportunity to appeal denial to an independent hearing panel outside of Athletic Dept.).

Additionally, a one-time exception to residence requirement available to SAs in all sports (Examples):

- Where transferring student was not a recruited SA at first institution and has never received athletics aid from any four-year institution.
- Where student transferred due to discontinued academic program.
- Where students' sport is being discontinued or reclassified.
- Where student has earned bachelor's degree and is transferring to enter graduate program in another institution but with remaining athletic eligibility.

Additionally, one-year residence requirement can be waived by the NCAA Committee for Legislative Relief:

- If the student is transferring for reasons of health.
- If the student is transferring due to loss of eligibility as a result of NCAA violation where it is determined that the student was not responsible for the violation.
- If the student is transferring due to NCAA sanctions that would preclude him/her from participating in post-season competition.
- If the student is transferring due to former institution being banned from post-season play due to probation for academic progress deficiencies (APR).

Changes to be considered in April 2019

- Exception to residence requirement to be granted to walk-on student-athletes who never received athletic financial aid.
- Exception to residence requirement to be granted when student enters original institution during summer and head coach departs prior to the fall term.



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Minimum Standards of UNC Board of Governors (BOG)
for Student Disciplinary Proceedings
UNC Manual 700.4.1



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General Provisions

Each campus must have a **Code of Student Conduct** which:

- Is applicable to all students, including student-athletes.
- Defines categories of prohibited conduct.
- Specifies sanctions that can be imposed for each category.

Minor Violations: where possible sanction is less than suspension or expulsion.

Serious Violations: where possible sanction includes suspension or expulsion.

Minor Violation Procedure

- Upon receipt of allegation of Code of Student Conduct violation, investigation by responsible University Official (usually within a Dean of Students Office).
- Allegation can be pursued or not. If pursued, notice in writing is provided to the student with at least 5 days provided to the student for preparation of hearing.
- Student may waive hearing and accept a sanction proposed by the University Official.

Minor Violation Procedure (cont'd)

- If hearing is held, meeting is closed. Some campuses may use committees while others may use a single decision-maker.
 - Hearing or meeting involves witness testimony and documents on both sides.
 - Decision must be based only on evidence presented at the hearing or meeting.
 - Decision must be based on at least “a preponderance of the evidence” — i.e., more likely than not.
 - Final decision must be made within 45 days.
 - Final decision must be transmitted to student within 10 days of decision and include summary of the evidence supporting the decision.
 - At least one level of appeal must be available (e.g., from the Dean of Students to the Vice Chancellor for Student Affairs).

Serious Violation Procedure

Basically, the same process is used as is used for minor violations **except that serious violations:**

- Permit students to be fully represented by an attorney throughout the conduct process except for cases that are heard by a hearing panel comprised solely of students. [**For example**, at UNC Charlotte, only “minor” violations are heard by student hearing panels.]
- Require written notice to the student that there will be a formal charge pursued and that specifies the offense, possible sanctions, and a brief summary of the factual allegations.

Serious Violation Procedure (cont'd)

- Require that student must be provided at least **ten days** to prepare for hearing (**instead of five**).
- Require that if student chooses to waive hearing and accept a proposed sanction, the University Official must determine that the waiver and acceptance is voluntary and that the charge and the sanction have factual support.

Serious Violation Procedure (cont'd)

Once responsibility for the offense is determined, sanction will be determined by University Official or committee.

- If the sanction is suspension, final decision must be made by a vice chancellor or designee.
- If the sanction is expulsion, final decision must be made by the chancellor or a vice chancellor.
- If the sanction is either suspension or expulsion, appeal may be made to the Board of Trustees.
- Appeals may be based only upon a violation of due process or material deviation from BOG Policy 700.4.1.

Special provisions apply in cases of sexual misconduct, crimes of violence, and cases where the formal charges are also the subject of pending criminal charges.



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Amateurism, Agents, and Advisors



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Amateurism, Agents, and Advisors

Amateurism is a core principle of intercollegiate athletics with the goal of “clear demarcation” from professional athletics.

Agents and Student Athletes

The use of “Agents” is inconsistent with the amateur model of intercollegiate athletics.

- An agent is any individual who represents or attempts to represent a student-athlete for the purpose of marketing athletic ability or reputation for financial gain; or
- Seeks to obtain financial gain from securing a prospective student-athlete’s enrollment at an educational institution or from the student-athlete’s potential earnings as a professional athlete.

Agents and Student Athletes (cont'd)

With one recent exception for Men's Basketball, employing an "Agent" is one of the things that a student-athlete cannot do without rendering them ineligible, along with:

- Accepting pay for using his or her athletic skill in any form.
- Receiving benefits (cash, loans, transportation, meals, lodging, etc.) from an agent (limitation applies to family members too).
- Signing a contract to play professional athletics.
- Entering a professional draft except as permitted by sport-specific NCAA rules.

Agents and Student Athletes (cont'd)

- Entering a professional draft except as permitted by sport-specific NCAA rules.
 - Generally, a student-athlete may enter a professional draft one time during collegiate career without adversely affecting eligibility provided the student-athlete is not drafted and declares intention to return to intercollegiate competition by a specified date.

Agents and Student Athletes (cont'd)

- Accepting pay/reimbursement from professional sports organizations in violation of NCAA rules (**Note:** in men's basketball and hockey, it is permissible to be reimbursed for expenses to participate in professional team combines/tryouts).
- **Prior** to collegiate enrollment, a student-athlete drafted in baseball and men's ice hockey may employ an agent or lawyer during contract negotiations. If the SA does not go pro, relationship with agent must end prior to collegiate enrollment.

Student-Athletes and Advice

When and how does a student-athlete get advice about future college or professional athletics?

- Prior to enrollment, prospective student-athletes may use a scouting service or agent to distribute information (e.g., high school athletic and academic records) to any institution as long as the fee paid to the agent is not based on success in placing the student at the collegiate level.
- After enrollment, a student-athlete may seek advice from a “Professional Sports Counseling Panel” appointed by the chancellor or president about a future professional career, to communicate with professional sports teams about the student-athlete, and to assist in the selection of an agent after the student’s playing career is over.

Student-Athletes and Advice (cont'd)

NOTE: “Professional Sports Counseling Panel” includes majority of employees from outside Athletics but inside the University and may not include agents or persons employed by agents.

- Student-athletes may use a personal advisor who can provide advice concerning future professional options. Advisor not permitted to contact teams on behalf of the student-athlete.

New Rules for Men's Basketball

Since 2018, an elite men's basketball student-athlete who is actively considering entering the NBA draft may hire an agent after any season and through the conclusion of the NBA combine and the draft as long as the agent agreement is terminated if the student-athlete is not drafted and decides to return to intercollegiate competition.

Student-Athletes and Promotional Activities

Permissible Promotional Activities

- A student-athlete's name, picture, likeness, or appearance may be used to support institutional, charitable, educational, or nonprofit promotional/fundraising efforts. (must meet certain conditions).
- A student-athlete's name, picture, or likeness may also be used to promote NCAA championships, events, activities or programs.

Student-Athletes and Promotional Activities (cont'd)

Non-permissible Promotional Activities

- A student-athlete may not accept remuneration or permit the use of his/her name or picture to advertise, recommend, or promote directly the sale or use of a commercial product or service.
- A student-athlete may not receive remuneration for endorsing a commercial product or service through the use of such product or service.



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Student-Athletes and Employment



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Student-Athletes and Employment

A student-athlete **may** work for compensation, provided:

- The compensation is provided only for work actually performed.
- At a rate commensurate with the going rate in that locality for similar services.
- Compensation may not include remuneration for value that an employer may enjoy as a result of SA's reputation or fame.

Student-Athletes and Employment

A student-athlete **may** be compensated for coaching or lessons in his/her sport, provided:

- University facilities are not used (to discourage competitive recruiting advantage).
- SA does not advertise or promote availability of fee-for-service lessons using name, picture, or appearance.
- Compensation is paid for by lesson recipient or family and not an unrelated third party.

A student-athlete may be compensated for working as a counselor in summer youth athletic camps and clinics.