

NIAGARA UNIVERSITY

ATHLETICS APPEALS REVIEW BOARD

SEC. I PURPOSE

I-1 The Athletics Appeal Review Board, cited hereafter as AARB, shall render final decisions on all appeals by student-athletes in cases where dismissal or resignation from a university athletic team has resulted in reduction or termination of a student-athlete's scholarship or in cases of denial of a student-athlete's request for a one-time transfer exception.

SEC. II MEMBERSHIP

II-1 AARB members shall be appointed by the Dean of Students, who will serve as the Chair (unless circumstances warrant a designee) and shall consist of one student and two administrators, one of whom shall be employed in Financial Aid. The Faculty Athletics Representative will serve as an *ex officio* member. The Director of Athletics shall also appoint one non-voting member. Voting members of the board may not be employed by the Department of Athletics.

11-2 The required quorum for AARB hearings will be five voting members during the academic year and three members during all vacations and summer sessions.

SEC. III HEARING PROVISIONS

III-1 A student-athlete whose financial aid award has been reduced or terminated or whose request for a one-time transfer exception has been denied has an opportunity for a hearing before the AARB at the student-athletes written request, made no later than 14 days after receiving formal notification of the change.

III-2 Student-athletes are required to submit a written appeal to the Dean of Students that identifies the ground(s) for appeal based on one of the following criteria:

- Due process violation – the student-athlete believes he or she has not been given timely or effective notice during the disciplinary process;
- New evidence – the student-athlete believes there is new information, previously unavailable, that if known, would alter the decision;
- Sanction is excessive – the student-athlete believes that the penalties imposed by the Department of Athletics are disproportionate to the offense or applied indiscriminately.

III-3 Student-athletes are required to represent appeals to the board either in person or by phone. Parents and lawyers are not permitted to participate in the hearing process.

III-4 The Department of Athletics will be notified of a student-athlete's appeal and will be required to provide supporting documentation related to the decision.

III-5 The student-athlete may choose or request to have an advisor appointed for them to assist with the hearing process and attend for moral support. An advisor must be a current staff or faculty member at the University who is unrelated to the student and is not a practicing attorney.

III-6 The AARB and student-athlete may call witnesses as deemed appropriate by the Chair. Witnesses may include but are not limited to teammates, coaches, and Athletics Department staff.

III-7 Written statements by the student-athlete, witnesses, and university personnel must be submitted within 5 days of the scheduled hearing. Late submissions may result in waiver of the right to appeal or preclude the participation of a witness, as determined by the Chair.

III-8 The student-athlete has the right to receive copies or review all related written documents within 24 hours of the hearing. Requests for the review of documents must be directed to the Dean of Students.

SEC. IV HEARING PROCEDURES

IV-1 The hearing shall be called to order by the Chair after the AARB reviews all written and submitted documents associated with the case.

IV-2 The student-athlete may make an opening statement.

IV-3 The Chair and AARB may ask questions of the student-athlete. It is the Chair's responsibility to ensure the integrity of the hearing process.

IV-4 If deemed appropriate by the Chair, witnesses may be brought forward to respond to questions from the board; witnesses may be excused after their participation, as determined by the Chair. The student-athlete has the right to hear all testimony provided by witnesses. Witnesses may include but are not limited to coaches, Athletic Department staff, and other student athletes.

IV-5 The proceedings shall not be recorded.

SEC. V DELIBERATION

V-1 Upon conclusion of the hearing proceedings, the AARB will meet in closed session to make a determination. The Chair shall coordinate the discussion.

V-2 The Athletics Department representative may be given the option by the Chair of participating in the deliberation, but may not vote.

V-3 A finding in favor of modifying the original decision made by the Department of Athletics will be determined by a majority vote.

V-4 Decisions made by the AARB are final.

SEC. VI NOTIFICATION

VI-1 The Chair of the AARB shall send written notification of the results to the student-athlete within two working days after the hearing. All hearing records are confidential and shall be retained for a period of 5 years after the hearing. Copies of this letter shall be sent to the appropriate coach(es) and to the Director of Athletics and the Director of Financial Aid.

SEC. VII NCAA BYLAWS and RELATED POLICIES

VII-1 In the event of an inconsistency between this procedure and that required by NCAA Bylaws, the NCAA Bylaws shall govern.