



The University of Toledo - Main Campus Policy

IV-6 Due Process For the Student-Athlete

A . Rights and Responsibilities of the Student-Athlete.

There are two classifications of student-athletes at The University of Toledo: those who receive a financial grant-in-aid and those who do not. This document concerns the rights and responsibilities of student-athletes in both classifications. Where there is a divergence between the rights and/or responsibilities of members of these groups, the document will so state explicitly.

Every student who participates in intercollegiate athletics becomes thereby a member of a team. By accepting the privilege of team membership, the student-athlete accepts the following special responsibilities in addition to the student's regular responsibilities as a student.

Every student-athlete living on campus is responsible for the rules and regulations that pertain to the Housing and Food Service. The rules are found in The University of Toledo's Residence Hall Living Guide brochure.

1. Discipline (Athletic)

- a. The athlete is subject to the athletic disciplinary training rules pertaining to the athlete's particular sport as established by the Department of Intercollegiate Athletics. Training rules and other regulations and the possible penalties should not be so detailed that there is no room for consideration of circumstances under which infractions occur. There must be enough flexibility that player and coach can resolve a problem without either being put in a position too rigid for accommodation.
- b. The student must participate in practice and games except when ill or otherwise incapacitated or in any other way unable to participate through no fault of the student. If sick or injured, the student must have written verification from the Athletic Department's medical staff.
- c. The student-athlete must abide by the policy of the Department of Intercollegiate Athletics establishing uniformity of dress except as specified in C, Academic Activities of the Student-Athlete.

- d. The student-athlete must obey the decisions of the coaches regarding behavior on road trips, since the conduct of the team members is the responsibility of the accompanying coaching staff at these times.
 - e. In keeping with training rules relative to the consumption of alcohol, the student-athlete is bound by his/her coaches' policies.
2. **Discipline (Academic).** The student-athlete is subject to the rules for academic eligibility.
3. **Personal Conduct in Public.** The student-athlete is a public figure and the student's conduct is public while traveling with the athletic team or explicitly on behalf of the University or while dressed for or participating in a sporting event or practice. As a student, the athlete has no special responsibilities in terms of public roles outside these areas, nor is the athlete considered a representative of the University except at these times; and the athlete must be so informed by the Athletic Director. However, attendance at training sessions must take precedence over non-athletic extracurricular meetings and events. Exceptions are at the discretion of the coach.
4. **Grants-in-Aid.** A student-athlete who attends The University of Toledo under an athletic grant-in-aid enters an agreement based on the athlete's signing a Letter of Intent. This agreement is in the nature of a contract between the institution and the student-athlete, and it commits the student to abide by A.1. to A.3.

B. Grant-in-Aid Regulations

1. All institutional financial aid to student-athletes must be reviewed by the Financial Aid authority of the University.
2. All athletes receiving aid must sign (or have a legal guardian sign) two documents reviewed by the Financial Aid authority: the Letter of Intent and the Conditions of Aid Tender which stipulate the nature of the aid, period of receipt, and any terms that might govern renewal or gradation of this aid. This aid cannot be awarded in excess of one year. The prospect must be informed that renewal will not be automatic. (NCAA Bylaw 15.3.3.1.1)
3. Institutional financial aid based in any degree on athletic ability may be reduced or canceled during the period of the award if the recipient:
 - a. Renders himself or herself ineligible for intercollegiate competition; or
 - b. Fraudulently misrepresents any information on an application, letter of intent or financial aid agreement.
 - c. Engages in serious misconduct warranting substantial disciplinary penalty

- 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. (NCAA Bylaw 15.3.4.3)
4. Institution financial aid based in any degree on athletics ability may not be increased, decreased or canceled during the period of its award:
 - a. On the basis of a student's athletics ability, performance or contribution to a team's success; or
 - b. Because of an injury that prevents the recipient from participating in athletics; or
 - c. For any other athletics reason.
5. Athletically Related Condition Prohibition - An institution may not set forth an athletically related condition (e.g., financial aid contingent upon specified performance or playing a specific position) that would permit the institution to reduce or cancel the student-athlete's financial aid during the period of the award if the conditions are not satisfied.
6. Decrease Not Permitted - An institution may not decrease a student-athlete's financial aid from the time the student-athlete signs the financial aid award letter until the conclusion of the period set forth in the financial aid agreement, except under the conditions set forth in NCAA Bylaw 15.3.4.1. (NCAA Bylaw 15.3.4.3)

C. Academic Activities of the Student-Athlete

The University of Toledo does not consider the student-athlete merely as an athlete. Furthermore, the University contends that the major purpose for any student-athlete's attendance at the University should be to pursue the student's education. Therefore, the University maintains a strict distinction between athletic and other institutional discipline.

Because of the interest of the Department of Athletics in the general welfare and academic progress of its student athletes, the Department has identified an academic adviser for Athletics who is responsible for monitoring the academic progress of all student-athletes, to establish communication and cooperation with the academic community.

D. Procedures for Redress of Grievances

1. Academic Grievances

If the student-athlete alleges a violation of student rights not specified in this document, the student may seek redress through the provisions of the Joint Statement on Rights and Freedoms of Students. (See Academic Grievance Procedure and Administrative Grievance Procedure in the Student Handbook.)

2. **Athletic Grievances**

- a. Appeal to Coach. If the student-athlete protests a suspension as described in C above, or the student alleges any other violation of student rights as specified in this document, the student must have a conference with the coach.
- b. Appeal to Athletic Director. If no agreement is reached between the coach and the student-athlete, the two parties must meet with the Athletic Director or his/her designee within five working days of the meeting with the coach.
- c. Appeal to the Athletic Review Panel of the Student Grievance Council. If no agreement is reached in the meeting with the Athletic Director or designee any of the three parties may submit the issue to the Athletic Review Panel.
 - 1) Composition of the Athletic Review Panel. The Athletic Review Panel shall consist of two full-time faculty members, two full-time students, one member-at-large, and two non-voting advisers.
 - 2) Selection of Voting Members. The two faculty members and the two student members of the Athletic Review Panel shall be identified at the beginning of each year by the chair of the Student Grievance Council and be chosen from the membership of the Council. The fifth voting member shall be appointed by the Vice President for Student Affairs. This member is the member-at-large; the member shall be chosen from the faculty or student body and is not to be directly involved in the University athletic program.
 - 3) Selection of Non-Voting Members. One non-voting member each shall be elected by the Athletic Department and the student-athletes.
 - 4) Annual Selection. Any changes in membership of the Athletic Review Panel shall be considered and made at the beginning of the fall academic term by the appointing agencies. No limit is placed on term of membership.
 - 5) Vacancies. Any vacancy shall be filled by the body requiring new representation.
 - 6) Initial Meeting. The initial meeting of the Panel each year shall be convened by the chair of the Student Grievance council. The first order of business shall be the election by the Panel of the Panel chair.

7) Review Procedures:

- a) **Complaint.** A person who wishes to appeal to the Athletic Review Panel shall, within five days after the meeting with the Athletic Director or a designee, file a signed complaint with the Chair of the Panel. Exceptions to this deadline are at the discretion of the Panel.
- b) **Contents of the Complaint** shall set forth a description of the facts pertinent to the issue.
- c) **Processing the Complaint.** The Chair shall convene the Panel within 72 hours of receiving a written complaint. If the Panel decides not to consider the complaint, the Chair shall notify the complainant in writing, specifying the reasons for the Panel's decision. If the Panel decides to consider the complaint, the Chair shall prepare a Statement of Grievances. The Statement of Grievances shall include the name of the complainant or complainants; the name of the person or persons accused; a description of the conduct alleged to have constituted a violation, including its date, time and place, if available, and the name of any witnesses known to the Chair at the time the Statement of Grievances is prepared. One copy of the Statement of Grievances shall be forwarded to the person accused, the complainant and the Athletic Director.
- d) **Hearing Date.** The Chair shall, in each case, set the matter for hearing within five days of the decision to consider the grievance.
- e) **Notice of Hearing.** The Chair shall notify in writing each person involved of the date and place of the hearing.
- f) **Proceedings.** The Panel may adopt such rules as it deems necessary to conduct its proceedings in conformity with the Joint Statement on Rights and Freedoms of Students. All hearings and other proceedings of the Panel shall be closed unless the Panel directs that any proceeding or portion thereof be opened. Formal rules of evidence and procedure shall not apply to any proceeding.
- g) **Witnesses.** Any person to whom the Chair of the Panel directs a copy of the Notice of Hearing shall consider it an order to appear and testify.
- h) **Source Documents.** The Panel must reach its decision in accordance with the following documents:

The Joint Statement on Rights and Freedoms of Students, NCAA and MAC Code (when not in conflict with University rulings,) rulings made in this document, and any other policy document of the University.

- i) Ruling. After presentation of evidence, the Panel shall deliberate in private and each member shall vote to sustain or reject the charges brought in the complaint. The charges shall be sustained whenever a majority of the voting members of the Panel concur in a vote to sustain. Otherwise, the charges shall be rejected. If the complainant is under a suspension and the majority of the Panel sustain the student's complaint, the suspension is immediately terminated.
- j) Opinion of the Panel. In every case the Panel shall prepare a written majority opinion, including any appropriate recommendation. A minority opinion may be prepared as well. One copy of each opinion which is prepared shall be placed in the files of the Panel, one copy shall be sent to each person involved, and one copy shall be sent to the President.
- k) Appeal to the President. Any disputant in the proceeding may appeal to the President of the University. The President shall review all appeals presented and shall administer the recommended penalty unless the President determines that a lesser sanction is appropriate, in which case the President shall administer the lesser sanction and notify the Chair of the Panel in writing of the President's action and reasons therefor. One copy of the President's decision and explanation shall be placed in the files of the Panel, one copy shall be sent to each person involved, and one copy shall be sent to the Public Information Office. The copy which is sent to the Public Information Office may be examined upon request by any member of the University community.

Adopted by the UT Board of Trustees, February 10, 1999