I. GENERAL INFORMATION

a. Invariably, circumstances arise where the fit between the student-athlete and the institution is not suitable for either the student-athlete or the institution. In those instances, the institution exercises discretion over whether or not to permit the student-athlete to contact other institutions regarding a possible transfer or whether or not to grant an applicable exception to the transfer rule as is permitted by NCAA rules and regulations.

II. WRITTEN NOTIFICATION OF TRANSFER AND RESIDENCE REQUIREMENT EXCEPTIONS

a. Written Notification of Transfer

i. Student-athletes wishing to transfer away from the University of North Carolina (UNC) and to another university affiliated with the NCAA are bound by NCAA legislation. Specifically, no communication, directly or indirectly, may occur between a student-athlete and another institution prior to the student-athlete providing written notification of transfer via use of the Transfer Notification Form.

ii. If a student-athlete wishes to contact another institution, the student-athlete may initiate the notification of transfer process by providing UNC with a written notification of transfer at any time. NOTE: In accordance with UNC transfer policy, written notification of intent to transfer will NOT be considered to have occurred unless such notification is sent DIRECTLY to the Compliance Office using the Transfer Notification Form which is available via the student-athletes TeamWorks account. All other forms of communication will not be considered as written notification of intent to transfer.

iii. Upon receipt of written notification, UNC must enter the student-athlete’s information into the national NCAA transfer database within two business days of receipt. Once entered into the database by the Compliance Office, the student-athlete is free to engage in recruiting conversations with any institution they choose. While UNC does not have the ability to restrict the institutions with which a student-athlete may have contact, UNC still maintains the legislative authority to grant or deny an exception to the transfer-residence requirement. In addition, Atlantic Coast Conference (ACC) Intraconference Transfer Rules continue to apply.

b. Exceptions to the Residence Requirement

i. As a general rule, a transfer student is required to serve an academic year-in-residence at the second institution prior to being eligible for competition. However, several exceptions to the transfer rule exist that enable a student-athlete to be immediately eligible for competition at the second institution.

ii. The most commonly used exception is known as the one-time transfer exception. This exception
allows a student-athlete to transfer from one NCAA institution to another on one occasion and be immediately eligible for competition. Certain conditions must be met to use this exception, including:

1. The student-athlete must have been in good academic standing and academically eligible for competition at the previous institution;
2. The previous institution must grant the student-athlete written permission to use of the exception;
3. The student-athlete cannot have transferred previously from a four-year institution.
4. In Division I, the one-time transfer exception is not available if the student-athlete wishes to participate in baseball, basketball, men's ice hockey or FBS football at the second institution.

iii. The Compliance Office will communicate with the Head Coach, Sport Program Administrator and Athletic Director (or his designee) as necessary to make the decision to grant or deny the one-time transfer exception.

iv. If the decision of the Head Coach and Sport Program Administrator is to deny the student-athlete permission to utilize the one-time transfer exception, the student-athlete will be given the opportunity to meet with the Athletic Director (or his designee) within seven (7) business days of the written request to present the circumstances surrounding his or her desire to utilize the one-time transfer exception and become immediately eligible for competition. If the Athletic Director (or his designee) upholds the decision of the Head Coach and Sport Program Administrator to deny the student-athlete use of the one-time transfer exception, the Compliance Office shall then communicate the decision to the student-athlete in writing, including notification of the right of the student-athlete to formally appeal the decision through a Formal Hearing Process as is outlined in Section V within fifteen (15) business days of the written request from the student-athlete.

c. ACC Intraconference Transfer Policy
   i. The ACC has an Intraconference Transfer Policy which may affect the eligibility of a student-athlete wishing to transfer from one conference member school to another as is outlined in Section III below.

III. APPLICABLE NCAA AND ACC REGULATIONS

a. The following NCAA and ACC regulations are the genesis for this policy and procedure:

   i. NCAA Bylaw 13.1.1.3 - Four-Year College Prospective Student-Athletes. - An athletics staff member or other representative of the institution's athletics interests shall not make contact with the student-athlete of another NCAA Division I institution, directly or indirectly, without first obtaining authorization through the notification of transfer process. Before making contact, directly or indirectly, with a student-athlete of an NCAA Division II or Division III institution, or an NAIA four-year collegiate institution, an athletics staff member or other representative of the institution's athletics interests shall comply with the rule of the applicable division or the NAIA rule for making contact with a student-athlete.

   ii. NCAA Bylaw 13.1.1.3.1 – Notification of Transfer. - A student-athlete may initiate the notification of transfer process by providing his or her institution with a written notification of transfer at any time. The student-athlete's institution shall enter his or her information into the national transfer database within two business days of receipt of a written notification of transfer from the student-athlete.

   iii. NCAA Bylaw 14.5.5.2.10 One-Time Transfer Exception Part (d). - If the student is transferring from an NCAA or NAIA member institution, the student's previous institution shall certify in writing that it has no objection to the student being granted an exception to the transfer-residence...
requirement. If an institution receives a written request for a release from a student-athlete, the
institution shall grant or deny the request within seven business days. If the institution fails to
respond to the student-athlete's written request within seven business days, the release shall be
granted by default and the institution shall provide a written release to the student-athlete.

iv. NCAA Bylaw 14.5.5.2.10.1 Hearing Opportunity. - If the student's previous institution denies his or
her written request to utilize the one-time transfer exception, the institution shall inform the
student-athlete in writing that he or she, upon written request, shall be provided a hearing
conducted by an institutional entity or committee outside of the athletics department (e.g., Office
of Student Affairs; or a committee composed of the faculty athletics representative, student-
athletes and non-athletics faculty/staff members). The institution shall conduct the hearing and
provide written results of the hearing to the student-athlete within fifteen (15) business days of
receipt of the student-athlete's written request for a hearing. The student-athlete shall be
provided the opportunity to actively participate (e.g., in person, via telephone) in the hearing. If
the institution fails to conduct the hearing or provide the written results to the student-athlete
within fifteen (15) business days, the release shall be granted by default and the institution shall
provide a written release to the student-athlete.

v. ACC Constitution Section VI-2. Intra-Conference Transfer Rule. - A student-athlete who transfers
directly from one Conference institution to another Conference institution and who was recruited
by the first institution or received any athletically-related financial aid during the academic year
immediately prior to the transfer is required to complete one (1) academic year (two full
semesters or three full quarters) of residence at the certifying Conference institution before being
eligible to compete for the certifying institution. Such a year of residence shall count as one of the
student-athlete's four (4) seasons of competition permitted under NCAA legislation. During such a
year of residence, the student-athlete is permitted to practice pursuant to NCAA eligibility
rules. A transfer student-athlete admitted after the twelfth day of class may not utilize that
semester or quarter for the purpose of establishing residence.

vi. ACC Constitution Section VI-2. Intra-Conference Transfer Rule. Part A. Graduate Student
Exception. - A student-athlete who receives a baccalaureate degree at one member institution
and who has been admitted into a graduate degree program at another member institution may
transfer to another member institution without being subject to the intra-conference transfer
rule. NCAA transfer regulations would apply.

vii. ACC Constitution Section VI-2. Intra-Conference Transfer Rule. Part B. Waivers. - Waivers of this
rule may be considered by the ACC faculty athletics representatives, acting as a committee of the
whole, provided the student-athlete has qualified for an exception or waiver of the NCAA four-
year college transfer rule. Further, the waiver request must demonstrate objective evidence that
extraordinary circumstances beyond the student-athlete's control warrant relief from this rule
(e.g., personal hardship, family hardship). It is intended that waivers must meet a high threshold
for relief and are not anticipated to be frequently approved. In general, coaching change alone is
not sufficient circumstances for a waiver to be approved.

IV. SCOPE

waiver of the ACC initial eligibility rule, the intra-conference transfer rule, the intra-
conference national letter of intent rule, or a medical hardship waiver requires an affirmative vote of two-thirds of the
institutions present and voting on the request and not less than a majority of the member institutions. All
members, including the institution requesting the waiver, are eligible to vote.

b. Range of the Process

i. This policy may be used to resolve grievances among student-athletes, coaches, administrators
and staff at UNC in relation to Written Notification of Transfer and the use of the One-Time
Transfer Exception. Specifically, this process is applicable only to:

1. Grievances regarding the denial of use of the one-time transfer exception pursuant to NCAA Bylaw 14.5.5.2.10.1.

ii. This process shall not be used to challenge any other Athletic Department policies or actions, nor shall it be used to challenge University policies and procedures of general applicability. Any other grievance must be handled through normal University policy and procedure.

V. FORMAL APPEAL PROCESS

a. Informal Resolution
   i. The goal of informal resolution is to resolve disputes among student-athletes, coaches, administrators and staff without resorting to a formal grievance procedure. Individuals should make reasonable and good faith efforts to resolve disputes with each other directly, promptly, and informally.

b. Formal Hearing Process
   i. If informal resolution is not accomplished, then the grievant may initiate a formal hearing process. In order to initiate the process, the grievant shall submit a written request for an appeal to the Associate Athletic Director for Compliance within fifteen (15) business days of the permission to contact or one-time transfer denial. Any requests submitted after the expiration of fifteen (15) business days will not be heard or examined.

c. Composition of Hearing Committee
   i. If a formal hearing is appropriately requested, then a committee of individuals from outside the Athletic Department shall be convened to hear the complaint. The Faculty Athletics Representative (FAR) serves as the Chair of the Hearing Committee for Appeals of Transfers. The Chair has the authority to appoint members to the committee. The Hearing Committee, in all circumstances, will consist of five (5) members:
      1. The FAR;
      2. Three members of the Faculty Athletics Committee (FAC); and
      3. One current student-athlete;
      4. The Associate Athletic Director for Compliance may attend the hearing as a non-voting member in an advisory capacity.

d. Notification of Hearing
   i. If a formal hearing is appropriately requested, then the Hearing Committee shall set a date to hear the appeal of the grievant within fifteen (15) business days of receipt of the request. The hearing will occur on the campus of UNC in Chapel Hill, North Carolina. The Chair shall notify both the grievant and respondent of the composition of the Hearing Committee, as well as the date, time and location for the Hearing. Objections to the participation of a particular Hearing Committee member must be submitted in writing to the Committee Chair in advance of the Hearing. The decision on the objection to the participation of a particular Committee member as articulated by the Chair is final and binding.

VI. HEARING COMMITTEE PROCEDURES

a. Who May Attend
   i. Members of the Hearing Committee, the grievant, and the respondent may attend the full Hearing. Other individuals may be present at the Committee Chair’s discretion. A committee member shall be disqualified if the member determines that he or she could not act without unfair bias or prejudice in reaching a decision.

b. Telephone Option
   i. If it is not possible for the grievant to appear in person for the hearing, the committee will
c. Evidence and/or Documentation

i. The grievant and the respondent may introduce evidence and/or documentation at the Hearing. No rigid rules of evidence will be in effect. The Committee may allow hearsay testimony. The Committee may exclude character evidence and evidence that is irrelevant or unduly repetitious. The Committee may limit both the number of witnesses and the time granted to each witness during the Hearing.

d. Failure to Appear

i. Failure of the grievant or the respondent to appear or phone in to the Hearing shall not prevent the Hearing from proceeding. The Committee may, however, decide to cancel the Hearing if the grievant or the respondent is not present.

e. Order of Presentation

i. The grievant shall proceed first, followed by the respondent, specifically as follows:
   1. Presentation by the student-athlete (grievant) – twenty (20) minutes or less.
   2. Presentation by the head coach (respondent) – twenty (20) minutes or less.
   3. Rebuttal by the student-athlete (grievant) – ten (10) minutes or less.
   4. Rebuttal by the coach (respondent) – ten (10) minutes or less.
   5. Questions from the Committee to grievant and/or respondent - no time limit.
   6. Conclusion of hearing - grievant, respondent and other individuals in attendance excused.
   7. Deliberation and decision - no time limit.

f. Extension of Allotted Time

i. The Chair of the Committee shall have the exclusive authority and discretion to grant an extension of the time limits noted in the Order of Presentation.

g. Questioning

i. The grievant and the respondent shall have a reasonable opportunity to rebut opposing evidence. Committee members may question the grievant, the respondent, and other individuals in attendance.

h. Committee Deliberation and Decision

i. After the Hearing is concluded, the Chair of the Committee shall excuse the grievant, respondent and all other individuals in attendance. The Committee shall then discuss the arguments, evidence and documentation presented during the Hearing. The Chair shall the poll the members of the Committee present at the Hearing on the question of whether to sustain the grievance. The decision of the Hearing Committee will be determined by a simple majority vote of the Hearing Committee members. In reaching a decision, the Hearing Committee should reach a reasonable conclusion, considering the interests of the institution and the student-athlete.

i. Remedies

i. The Hearing Committee may sustain the decision regarding contact or use of an exception, modify the decision as requested by the student-athlete, or modify the decision in any other way, as long as it deems the result reasonable based on its consideration of the interests of the institution and the student-athlete. However, any remedy cannot constitute a violation of NCAA or ACC regulations.
j. Report of the Decision

i. The Chair of the Committee shall prepare a written report of the decision of the Committee. This report shall be reviewed by the Committee members who participated in the Hearing. The Chair of the Committee shall promptly report the decision of the Committee to the grievant, the respondent, the Associate Athletics Director for Compliance and any other individual(s) designated by the grievant or respondent.

k. Finality of the Decision

i. The decision of the Committee is final and may not be appealed to any other individual or entity at UNC, affiliated Conferences or the NCAA. The grievant may request the Chair to consider newly discovered information that existed at the time of the Hearing that would in reasonable probability change the Hearing Committee’s decision. The decision as to whether the information represents newly discovered facts and whether it likely would have changed the decision of the Hearing Committee will be made by the Chair. The decision rendered by the Committee on this issue is final and binding, and may not be appealed.

VII. SERVICES

a. Upon a student-athlete’s written notification of transfer and/or permission to utilize an exception to the residency requirement, University academic support services and access to general campus facilities will remain available. Access to Academic Support Program for Student-Athletes (ASPSA) services and Department of Athletics facilities will be granted on a case-by-case basis by the Athletics Director (or his designee).