San Jose State University Athletics
COMPLIANCE OFFICE
One-Time Transfer Exception
Hearing Opportunity

General Rule
NCAA Bylaw 14.5.5.2.10 serves as an exception to the four-year transfer resident requirement when a student transfers to the certifying institution from another four-year collegiate institution, and all of the following conditions are met:

a) The student is a participant in a sport other than baseball, basketball, bowl subdivision football or men's ice hockey at the institution to which the student is transferring. A participant in championship subdivision football at the institution to which the student is transferring may use this exception only if the participant transferred to the certifying institution from an institution that sponsors bowl subdivision football and has two or more seasons of competition remaining in football or the participant transfers from a Football Championship Subdivision institution that offers athletically related financial aid in football to a Football Championship Subdivision institution that does not offer athletically related financial aid in football;

b) The student has not transferred previously from one four-year institution unless, in the previous transfer, the student-athlete received an exception per Bylaw 14.5.5.2.6 (discontinued/nonsponsored sport exception);

c) At the time of transfer to the certifying institution (see Bylaw 14.5.2), the student would have been academically eligible had he or she remained at the institution from which the student transferred, except that he or she is not required to have fulfilled the necessary percentage-of-degree requirements at the previous institution; and

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.

Opportunity for a Hearing
In accordance with NCAA Bylaw 14.5.5.2.10.1, if San Jose State University (SJSU) denies a student-athlete's written request for a release, SJSU shall inform the student-athlete in writing that he/she, upon request, will be provided a hearing. The hearing will be conducted by the Chair or Vice Chair (VC) of the Athletics Board, and at least two other Board members, who are not Athletics Department staff or affiliates, but may include the Faculty Athletics Representative (FAR) as a voting member. The hearing must be conducted and written results of the hearing must be provided to the student-athlete within 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 SJSU fails to conduct the hearing or provide the written results to the student-athlete within 15 business days, use of the one-time transfer exception shall be granted by default and the institution shall provide written permission to the student-athlete.

Notification of Hearing Opportunity
Upon written request from a student-athlete to use the one-time transfer exception, the Associate Athletics Director for Compliance (ADC) will contact the appropriate Head Coach (HC) regarding the request. If the HC denies, delays or limits a student-athlete's request to use the one-time transfer exception, the ADC will provide the student-athlete with written notification of this decision and of his/her opportunity for a hearing to appeal the decision within seven business days of receipt of the student-athlete's request. The written notification will be sent by the ADC via email and will include a date by which the student-athlete must request a hearing (within seven business days of the ADC’s email). Failure to request a hearing by the deadline indicates the student-athlete’s acceptance of the Athletic Department’s decision regarding his/her use of the one-time transfer exception.

Supporting Documentation
Both the student-athlete and HC will be given an opportunity to present supporting documentation of their positions to the participating Athletics Board members for review prior to the hearing. This material must be provided to the ADC at least 48 hours prior to the hearing date. The ADC will disseminate the supporting documentation to the Chair for distribution to participating members. The student-athlete should be aware that the involved coaching staff may also exercise the option of providing a statement and/or other relevant documentation, and that the HC will be given the opportunity to appear before the Chair and participating members to present his/her case.

Hearing Participants & Decision
In addition to the Chair, and participating members mentioned above, the ADC will be in attendance in a non-voting capacity to provide procedural guidance. The student-athlete and the involved HC will be individually afforded time to present the merits of their respective case. After oral presentations by the relevant parties, the Chair and participating members of the Athletics Board will review all evidence presented and deliberate until a decision is reached. The decision will be forwarded to the ADC, who will then issue the written decision to all parties involved within one week of the hearing.

Updated 4/6/15