

POLICIES, PRINCIPLES AND PROCEDURES ADOPTED BY PCA

(1.) STUDENT ATHLETE GRIEVANCE PROCESS

Preamble:

This grievance process is intended to comply fully with NCAA requirements, and to be available to all student athletes. When a student athlete grievance issue arises and is brought to the attention of any member of the Athletics Department administrative staff, regardless of the source of disclosure, efforts to resolve the issues should include the Head Coach, Sport Administrator and the Associate Athletics Director for Student Affairs. Some discretionary decisions entrusted solely to a head coach, such as but not limited to, a student athlete's playing time, and selection for out-of-town team travel, are not reviewable under this grievance process. If there is a disagreement over whether a specific issue is subject to grievance under this process, a panel comprised of the Chair of the PCA, the Chair of the PCA Subcommittee on Student Athlete Welfare and the Faculty Athletic Representative(s) will resolve the question by majority vote.

1. Athletic Grievance Procedure

A. Informal Process

- (1) During the initial stages of this process, the Associate Athletics Director for Student Athlete Affairs will function in the role of advocate for the student athlete to ensure that the student athlete's interests are paramount. This collaborative involvement will begin during the initial stages of discussion with the student athlete and continue throughout the informal process. As necessary, and at the request of the student athlete, these discussions may involve the student athlete's parents or guardian, with the objective of arriving at an informal resolution. The Associate Athletics Director for Student Athlete Affairs will also ensure that everyone involved understands the relevant rules and procedures of the Department of Athletics and the University, both informal and formal.
- (2) At all times during this informal process a student athlete has the right to be assisted by legal counsel, at his or her own expense, or by another advisor of choice.
- (3) If a student athlete protests a suspension or other disciplinary action imposed by a coach or other member of the Department of Athletics, or alleges a violation of his or her rights as set forth in the Statement of Student Athlete Rights and Responsibilities, the student athlete should request a meeting with his or her Head Coach to attempt to resolve the matter informally. Such a request for a meeting should be granted by the Head Coach as soon as possible. The student athlete should attempt to exhaust all options for resolution of the grievance with the Head Coach. If the student athlete would prefer to have a third party present for meetings with the Head coach, he or she may request assistance from several sources. These include, but are not limited to, the Sports Administrator, the Associate Athletics Director

for Student Athlete Affairs, the Senior Women's Administrator, or the University Ombudsperson.

- (4) If the student athlete's grievance is not resolved satisfactorily with the Head Coach in step (3), the student athlete may then request a meeting with the Sports Administrator for the student athlete's team to make a further effort to resolve the grievance informally.
- (5) If the student athlete's grievance is satisfactorily resolved in step (3) or step (4) of the informal process, a written statement of the disputed issues, along with the settlement agreed upon, should be prepared jointly and signed by the student athlete and the person from the Athletics Department with whom the settlement was reached. This written statement should then be filed with the Athletics Director and retained.

B. Formal Appeal Process Within Athletics Department

- (1) If no satisfactory agreement is reached through steps (3) and (4) of the Informal Process, the student athlete may then submit a written appeal to the Athletics Director. The written appeal should accurately summarize the facts of the dispute and indicate the relief sought by the student athlete. After appropriate review, the Athletics Director should make a decision on the appeal and notify the student athlete of the decision within seven (7) working days.
- (2) If the Athletics Director resolves the dispute to the satisfaction of the student athlete, the terms of the settlement should be stated in a letter sent to both the student athlete and the person in the Athletics Department against whom the grievance was initiated. A copy of this settlement letter should be kept in Athletics Director's files.
- (3) If no satisfactory agreement is reached with the Athletics Director, the student athlete may request a hearing before the Review Panel of the PCA. A request for such a hearing shall be submitted in writing to the Chair of the PCA within seven (7) days after receiving the decision from the Director of Athletics. When notified of a request for a hearing, the Chair of the PCA should proceed to implement the PCA Appeal Procedures for Review of Student Athlete Grievances with all deliberate speed.

2. PCA Appeal Procedures for Hearings on Student Athlete Grievances

(A) Scope. These procedures apply to any grievance initiated by a student-athlete regarding action taken by the Department of Athletics relating to the student-athlete's athletic status or financial aid, provided that all alternative means for resolving the dispute specified above have been exhausted.

(B) Waivers. By initiating an appeal under these Procedures, the student-athlete shall be deemed to have waived his or her rights under the Family Educational Rights and Privacy Act (20 USC 1232g)

with respect to any persons present for whatever purpose during the course of any proceedings hereunder. If the student-athlete puts at issue his or her mental or physical health, the student-athlete shall be deemed to have waived any privilege for any communication made in professional confidence as provided in Iowa Code Section 622.10.

(C) Hearing Panel Composition. Hearings shall take place before panels composed as follows:

- (1) Hearing before PCA. A panel of the PCA shall hear all cases concerning student-athletes except those described in Paragraph (b) of this section, and subject to the provisions of Paragraph (c) of this section. The PCA panel shall consist of the Chair of the PCA, the Big Ten faculty representative(s) and the chairs of the standing subcommittees of the PCA. The Chair of the PCA shall serve as the Presiding Officer in any hearing before a panel of the PCA. At his or her option, the Chair may appoint from among the remaining PCA members substitutes for the above-listed panel members, when an incumbent is unavailable.
- (2) Hearing before Committee. The Financial Aid Non-Renewal Committee (the "Committee") shall hear all cases concerning any reduction or cancellation of financial aid during a period of award, or concerning the non-renewal of or reduction in a student-athlete's financial aid for the ensuing year. The Director of Financial Aid shall appoint the Committee. Each of the following units may have one representative member on the Committee:

Office of the Dean of Students; Office
of the Registrar; and
Student Financial Aid University Charter Committee.

The Director of Financial Aid shall appoint the Committee Chair, who shall serve as Presiding Officer in any hearing before the Committee.

- (3) Joint Hearings. If, in the judgment of the Director of Financial Aid, the Denial of Relief requested by a student-athlete has potential financial aid implications, a joint hearing shall be held before two panels: the Committee shall adjudicate the financial aid issue(s), and a panel of the PCA shall adjudicate all other issues. The Committee Chair and the Chair of the PCA shall preside over the hearing, making procedural determinations jointly. Any evidentiary determinations affecting the merits of the

case before either panel shall be made by the Presiding Officer of the panel adjudicating the issue in question.

(D) Rights before Hearing. The student-athlete bringing the complaint is granted the following rights before the hearing:

- (1) To be advised of the hearing procedures; and
- (2) To review copies of any documentary or other physical evidence expected to be presented in opposition to the student-athlete's position, provided that the student-athlete has requested such materials at least two University business days before the hearing. Additional evidence may be admitted at the hearing at the discretion

of the Presiding Officer, provided that the other party has an opportunity to review and respond to the additional evidence. In that event, the parties shall exchange copies of the documents and physical evidence.

(E) Rights at Hearing. The student-athlete bringing the complaint, like the University or any of its units, is granted the following rights at the hearing:

- (1) To present his or her position;
- (2) To present witnesses and evidence;
- (3) To cross-examine witnesses presenting evidence in opposition to the student-athlete, provided, however, that such cross-examination shall be limited to questions that are relevant, material and not unduly repetitive, as determined by the Presiding Officer; and
- (4) To be represented by counsel or other adviser at the student-athlete's expense.

(F) Burden of Proof and Standard of Judgment. In all cases under these Procedures, the University bears the burden of proving, by the preponderance of the evidence, that the action disputed by the student-athlete was justified.

(G) Hearing. The Presiding Officer (see Section C (1)) shall open the hearing and answer any procedural questions posed.

- (1) Persons Excluded. The hearing shall be closed unless the student-athlete specifically requests, in writing at least two University business days before the hearing, that it be open. If the student-athlete requests an open hearing, the Presiding Officer nevertheless may elect to close all or part of the

hearing. The Presiding Officer also may elect to exclude non-parties who are to appear as witnesses.

- (2) Recording. The hearing shall be recorded by means to be determined by the Presiding Officer. Videotape, audio tape, and stenographic reporting all are satisfactory recording options. If a stenographic recording is made, the expense of transcription shall be borne by the party requesting it. Discussion regarding procedural matters need not be recorded.
- (3) Opening Statements. At the outset of the hearing, first the University, then the student-athlete, may present very brief statements to the hearing panel outlining their respective positions in order to crystallize the issues for the panel. These statements shall not be considered evidence.
- (4) Evidence. The University shall present its position first, calling witnesses and presenting evidence in accordance with these Procedures. After the University has concluded, the student-athlete may present his or her position. Witnesses shall swear or affirm that they will testify truthfully before the panel(s). Formal rules of evidence shall not apply, although objections to evidentiary offers may be made and shall be noted in the record. At the discretion of the Presiding Officer, members of the panel(s) also may be permitted to question witnesses.
- (5) Closing Arguments. At the close of all the evidence, each party may present a very brief summation of its position to the panel(s). The student-athlete shall present his or her argument first, and the University, bearing the burden of proof, shall present its argument last. The Presiding Officer may cut off any argument on the basis of its undue length, repetition or irrelevancy. These arguments shall not be considered evidence.

(H) Legal Advisor to the Panel. The PCA panel or the Committee, at their option, may avail themselves of a legal advisor. That advisor should be a representative of the University's Office of the General Counsel. The legal advisor's role may include conducting the hearing and otherwise assisting the panel with

any procedural matters that arise during the hearing, in deliberations, or in writing the panel's report. The legal advisor shall have no input whatsoever to the substantive adjudication of any issues by the panel.

(I) Decision and Report.

(1) Deliberation. The PCA panel or the Committee (see Section 3a) shall deliberate among themselves to reach a decision on the merits of the case. If the hearing took place before the PCA panel and the Committee jointly, each panel shall deliberate only among its own members; no member of the PCA panel shall deliberate with any member of the Committee on any substantive matter.

(2) Sequential Decisions in Joint Hearings. Pursuant to Paragraph 3(c), in some cases where the PCA panel and the Committee conduct hearings jointly, the decision of the PCA panel on non-financial aid matters might render moot the decision of the Committee on financial aid matters. In those cases, the PCA panel shall issue its decision first, before the Committee renders its decision.

(3) Majority Needed. Decisions by either the PCA panel or the Committee shall be based on the majority of the panel hearing the case. In the event an even number of persons served on a panel, the Presiding Officer of that panel shall deliberate with the panel, but shall not vote, thereby allowing the remaining panel members to reach a majority decision. Decisions shall be based on the kind of evidence on which reasonably prudent persons rely in the conduct of their serious affairs.

(4) Report of Decision. The panel hearing the case shall present its decision in a written report. The report shall state briefly the majority's findings of fact and conclusions

drawn from those facts. The minority view, if any, may be presented at the option of the panel hearing the case. Copies of the report shall be sent to the student-athlete, the Director of Athletics, the Office of the General Counsel, the Director of Financial Aid, the President or his/her designee in any case before the Committee, the Presiding Officer of the other panel in any case in which a joint hearing was held and to other appropriate University officers.

(J) President's Review. The student-athlete may appeal to the President the decision of the PCA panel or the Committee.

(1) Request for Appeal. To appeal, the student-athlete must send a written request with supporting materials (if

desired) to the President's office within five University business days following receipt of the written notification of decision.

(2) Standard for Review. To overturn the decision of the hearing panel, the President must find that the decision is not supported by a preponderance of the evidence, or is clearly inconsistent with University or other governing policy.

(1) President's Decision. The President or the President's designee shall render a decision within 30 calendar days of the receipt of the request for appeal, and that decision shall constitute final agency action. The President's (or designee's) decision shall be transmitted to the student-athlete, the General Counsel, the Director of Athletics, the Director of Financial Aid in any case before the Committee, and to other appropriate University officers.

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