

UNIVERSITY OF MISSOURI-KANSAS CITY
DEPARTMENT OF ATHLETICS
APPEAL POLICY AND HEARING PROCEDURES

Student-athletes whose scholarship has been reduced or removed are entitled to an appeal hearing. Appeal hearings are conducted by a Hearing Panel.

Appeal Request

Student-athletes who wish to appeal the decision of the Athletics Department must submit a *Student-Athlete Official Letter of Appeal Form (hereinafter referred to as "the Letter")* to the Financial-Aid Office within fifteen (15) days from the date on the student-athlete's letter of nonrenewal or reduction. Notice of the letter of nonrenewal will be provided by the Financial Aid and Scholarships office via email to the student-athlete's official email address(es) and/or official mailing address on file with the university. The letter of appeal should outline his/her rationale for the appeal and whether the student-athlete will choose to have a formal hearing in front of the Athletic Financial Aid Appeal Hearing Panel or a written appeal; additional supporting documentation may be appended to the letter and a list of witnesses that may testify on the student-athlete's behalf with a written affidavit from these witnesses. *Only information contained in the letter of appeal and supporting documentation, if any, will be considered in the appeal hearing and decision.*

The letter to be used by the student-athlete in filing an appeal request is found at the end of this document. You may email the completed letter and all supporting documentation to the Financial Aid and Scholarship office to youngsc@umkc.edu or mail the letter and supporting documentation to the following address:

UMKC Financial Aid and Scholarship Office
C/O Scott Young
5100 Rockhill Rd
101 Admin Center
Kansas City, MO 64110

The fifteenth (15) day is determined according to the date noted on the notice of nonrenewal from the Financial Aid and Scholarship office. If sending by mail, the appeal must be postmarked by the fifteenth (15) day of the date noted on the notice of nonrenewal.

Notice of Hearing Request to Athletic Department

Upon receiving the letter of appeal from the student-athlete, the Director of Financial Aid and Scholarships will notify the Deputy Director of Athletics/SWA and Athletics Compliance office in writing of a student-athlete's request for a hearing and will provide a copy of the student-athlete's appeal documentation within five (5) business days of receipt from the student-athlete.

Upon notification, the Athletic Department will have ten (10) days to respond to the Director of Financial Aid and Scholarship. A letter should be included outlining the rationale for the Athletic Department's response to the student-athlete's letter; additional supporting documentation may be appended to the athletic department's letter and a list of witnesses that may testify on the athletic

department's behalf with a written affidavit from these witnesses. *Only information contained in the letter of appeal and supporting documentation, if any, will be considered in the appeal hearing and decision.*

Witnesses

If the student-athlete or Athletic Department plans on presenting witnesses, the following must be met before the witness can be approved:

a) Witness statement must be attached to the letter. The statement must include:

1. Witness' relevancy to the situation at hand;
2. Witness' relationship to student-athlete or Athletic Department and qualification to speak on their behalf.

b) If the witness is approved and a formal hearing is chosen by the student-athlete, the witness must be present at the formal hearing in order for his/her testimony to be presented.

c) If the witness is approved, the scope of their participation at the formal hearing is fully dependent on the scope of facts covered in their statement.

d) If the witness is approved, they are restricted by time within the formal hearing process. Please see "If Student Chooses a Formal Appeal" section below for further details.

Athletic Financial Aid Appeal Hearing Panel Membership.

a) The Hearing Panel consists of:

1. Director of Financial Aid and Scholarships or his/her designee;
2. The Faculty Athletics Representative
3. Two members of the Student Financial Aid Advisory Committee;
4. One other faculty, staff or student that are unrelated to either party; and
5. The Athletic Compliance Director and/or his/her designee.

b) The Chair of the Hearing Panel will be the Director of Financial Aid and Scholarship. The Chair must always be present in order for a hearing to occur.

c) A quorum of the Hearing Panel shall be three (3) out of the five (5) voting members, and a quorum is required to be present at the hearing and for a decision to be made.

d) The Athletic Compliance Director is a non-voting member and is a part of the panel only for the purpose of providing interpretation of NCAA rules and athletic department policy and procedure to the other panel members when called upon to do so by another member of the Hearing Panel.

Duties of the Chair.

a) The Chair will:

1. Approve/deny the validity and participation of a witness according to the statements and documentation presented within the hearing procedures and inform the student-athlete and Athletic Department of the approval/denial;
2. Set the date, time, and place for any hearing and notify the student-athlete, the appropriate athletics departmental personnel involved in the appeal hearing, and the Hearing Panel.
3. Furnish a suitable room, necessary equipment, and clerical assistance for the hearing;
4. Determine who may be present at the hearing;
5. Rule on the admissibility of evidence and on objections to the procedure;
6. Facilitate the hearing process, which includes removing from the hearing anyone who is disrupting the process;
7. Prepare a written notice of the committee's final decision; and
8. Provide the student-athlete, the Deputy Director of Athletics/SWA and the Director of Athletics Compliance with a copy of the Hearing Panel's decision.

b) As a member of the Hearing Panel, the Chair may question witnesses.

c) The chair is entitled to receive advice and counsel from UMKC General Counsel for Legal Affairs.

If Student Chooses a Formal Appeal.

Notice of Formal Hearing.

The Chair will notify the student-athlete, the Deputy Director of Athletics/SWA and members of the Hearing Panel of the date, time, and location of the hearing as well as an approved list of witnesses to be present at the hearing within ten (10) days of athletic department's response being on file with the Director of Financial Aid and Scholarships. Notice will be sent via email to parties' university email.

Once informed, it is the student-athlete's responsibility to inform his/her's one additional individual (Advisor) that can be present at the formal hearing and any approved witnesses of the date, time and location of the hearing. Once informed, it is the athletic department's responsibility to inform the up to two individuals that will represent the athletic department in the formal hearing and any witnesses that were approved by the Chair of the date, time and location of the hearing.

Formal Appeal Hearing Process.

Requests for a formal hearing should be clearly marked in the student-athlete's letter. If the student chooses to attend the formal hearing in person, they can have one Advisor present. The advisor may confer with the student but may not speak, present evidence, cross examine, or act as a witness. The process for the formal hearing is as follows:

a) The Chair will distribute all documents to the student-athlete, the Deputy Director of Athletics/SWA and the Hearing Panel within a reasonable time that shall not exceed two (2) business days from the time that the Chair receives the Athletic Department's letter and supporting documentation.

b) The Hearing shall be no more than ten (10) business days after all documents have been distributed. The Chair may extend this deadline if necessary for the benefit of all parties involved.

c) The hearing shall not exceed 1.5 hours and shall be conducted as follows:

1. The Athletic Department may have up to two individuals who will be present at the hearing as representatives of the Athletics Department.

2. The student-athlete must be present and may have an Advisor present as stated above.

3. The Chair will explain the protocol, introductions and each parties' rights, which shall take no more than 5 minutes;

4. Statement by the Athletic Department which shall not take more than 5 minutes;

5. Questioning by the Hearing Panel directed at the Athletic Department;

6. Statement by the Student Athlete which shall not take more than 5 minutes;

7. Questioning by the Hearing Panel directed at the Student Athlete;

8. Athletic Department may present any witnesses that were approved by the Chair prior to the hearing

(i) Athletic Department introduction and questioning of witness and witness testimony shall not take more than 10 minutes.

(ii) Student Athlete will be allowed to question the witness for no more than 5 minutes.

(iii) The Hearing Panel will be allowed to question the witness.

9. Student Athlete may present any witnesses that were approved by the Chair prior to the hearing

(i) Student Athlete introduction and questioning of witness and witness testimony shall not take more than 10 minutes.

(ii) Athletic Department will be allowed to question the witness for no more than 5 minutes.

(iii) The Hearing Panel will be allowed to question the witness.

10. Athletic Department will be allowed 5 minutes to rebuttal any argument made by the Student Athlete/witnesses.

11. Student Athlete will be allowed 8 minutes to rebuttal any arguments made by the Athletic Department and make any closing remarks or statements.

12. Athletic Department will be allowed 3 minutes to present closing remarks or statements.

13. The Hearing Panel will be allowed time (at their discretion) to ask parties any questions or any clarifications that they may need to render a decision.

14. The Hearing Panel shall have one (1) business day to render the decision. **DECISION OF THE HEARING PANEL IS FINAL.**

If Student Chooses Written Appeal.

Notice of Written Hearing.

The Chair will notify the Hearing Panel of the date, time and location that the hearing will take place within ten (10) days of the date determined in section b) of the Written Appeal Hearing Process. Notice will be sent via email to parties' university email. The Chair will make every effort to have the hearing in a formal, in-person setting but will have the discretion to conduct the meeting via other means if the Chair feels that a formal, in-person meeting can't be accomplished and result in a quorum in a timely manner and would then be detrimental to the student-athlete.

Once the hearing has been set with the Hearing Panel, the Chair will then notify the student-athlete and the Deputy Director of Athletics/SWA of the date and time that the hearing will take place via email to parties' university email.

Written Appeal Hearing Process.

Requests for Written Appeal must be clearly marked in the letter. The process for Written Appeals is as follows:

a) The Chair will distribute all documents to the student-athlete, the Deputy Director of Athletics and the Director of Athletics Compliance via parties' university email within a reasonable time that shall not exceed two (2) business days from the time that the Chair receives the Athletic Department's letter and supporting documentation.

b) Both parties will have five (5) business days to submit any rebuttal to the Chair if they so choose to. The five business (5) days is determined according to the date noted on the email provided by the Financial Aid and Scholarship office. Rebuttal documentation will only be accepted via electronic submission to the Chair.

c) The Chair will distribute all documents to the Hearing Panel within a reasonable time that shall not exceed two (2) business days from the date deadline as determined in section b) above.

d) The hearing shall not exceed 1 hour.

e) The Hearing Panel shall have one (1) business day to render the decision. **DECISION OF THE HEARING PANEL IS FINAL.**

Decision.

The decision will be communicated in writing to the student-athlete, the Deputy Director of Athletics/SWA and the Director of Athletics Compliance via parties' university emails.

The student-athlete and the Deputy Director of Athletics/SWA have the right to discuss the final decision with the Hearing Panel. Appointment for such discussion must be made within five (5) business days from when the decision is rendered.

THE DECISION IS FINAL as there are no additional appeals allowed for either party.

Expected Outcomes.

The student-athlete's appeal hearing typically produces one of the following results, however, the Hearing Panel reserves the right to issue decisions not outlined below:

a) The Hearing Panel finds the decision to reduce, cancel or non-renew the student-athlete's athletically related aid is not in violation of NCAA regulations and institutional policies. The student-athlete's appeal is denied, and the original decision of the Athletics Department is upheld. In this circumstance, the expected outcome is the upheld reduction, cancellation or non-renewal of the student-athlete's athletically related aid.

b) The Hearing Panel finds that the decision to reduce, cancel or non-renew the student-athlete's athletically related aid was not done in compliance with NCAA regulations and/or institutional policy and the student-athlete's appeal is approved. The student-athlete's athletically related aid would then be made available to the student-athlete. In this circumstance, the expected outcome is the reinstatement of the student-athlete's athletically related aid equal to the original award level.

c) The Hearing Panel finds that no specific violations of NCAA regulations or institutional policies have occurred, however, extenuating circumstances are present. Therefore, the Hearing Panel may decide to reinstate the student-athlete's athletically related aid to the original level or at a reduced amount as permitted under NCAA regulations. The student-athlete's athletically related aid would then be made available to the student-athlete. In this circumstance, the expected outcome is the reinstatement of the student-athlete's athletically related aid that is equal to or less than the original award level.