

**WEST VIRGINIA  
SECRETARY OF STATE  
JOE MANCHIN, III  
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

**FILED**

2002 APR 24 P 3:34

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: Higher Education Policy Commission TITLE NUMBER: 133

RULE TYPE: Procedural CITE AUTHORITY: § 18-26-8

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: Series 27

TITLE OF RULE BEING PROPOSED: Financial Assistance to Athletes

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON May 24, 2002 AT 10:00 AM ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Office of the Chancellor  
Higher Education Policy Commission  
1018 Kanawha Blvd. East  
Charleston, WV 25301

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

J. Michael Muller jmd  
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

**SCANNED**

**TITLE 133  
PROCEDURAL RULES  
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

**FILED**

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**SERIES 27  
FINANCIAL ASSISTANCE TO ATHLETES**

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**SECTION 1. General**

- 1.1. Scope. -- Policy regarding the awarding and retention of financial assistance to athletes.
- 1.2. Authority. -- W. Va. Code §18-26-8
- 1.3. Filing Date. --
- 1.4. Effective Date. --
- 1.5. Repeals and replaces Title 128, Series 61 and Title 131, Series 61

**SECTION 2. Awarding Financial Assistance**

Student athletes may be considered for all student aid programs available at the institution including, but not limited to, athletic grants, need-based grants, student employment, loans, and merit-based aid awarded for talents other than athletic ability. In awarding financial assistance to athletes, West Virginia public colleges and universities shall follow the regulations relating to the various forms of aid awarded (e.g., institutional policies relating to academic standards and satisfactory progress, state and federal student aid regulations, and applicable policies promulgated by such athletic organizations as the National Collegiate Athletic Association and state or regional affiliates of such organizations).

**SECTION 3. Retaining Financial Assistance**

Financial assistance which is awarded on a basis other than athletic ability or participation shall be retained by the student athlete according to regulations applicable to the type of assistance awarded, and shall not be conditioned in any way upon athletic participation.

Students shall retain athletic grants and other forms of student assistance awarded on the basis of athletic ability or participation in accordance with the following:

- 3.1. Injury - Athletic aid may not be canceled or reduced at any point during the period for which the award was made in situations where a bona fide injury or physical condition prevents the student athlete from participating in practice sessions or intercollegiate athletics.

- 3.2. Contribution to team - Athletic aid may not be canceled or reduced at any point during the period for which the award was made on the basis of a student athlete's ability or contribution to the team's success.
- 3.3. Other - Athletic aid may be reduced or canceled if the recipient (i) renders himself/herself ineligible for intercollegiate competition; (ii) fraudulently misrepresents any information on an application, letter of intent or other document; (iii) engages in serious misconduct warranting substantial disciplinary penalty; or (iv) voluntarily withdraws from athletic participation for personal reasons. Any such reduction or cancellation of athletic aid is permissible only if such action is taken for proper cause by the regular disciplinary or student financial aid authorities of the institution and the student athlete is afforded the opportunity for a hearing through the regular disciplinary or student aid appeal procedures. Subject to the applicable regulations, provisions and exceptions set forth by the duly recognized agency (e.g. National Collegiate Athletic Association) then having jurisdiction, when a student voluntarily withdraws from athletic participation, such cancellation or reduction of the athletic aid may occur only within the terms under which the award was made.

**TITLE 133  
PROCEDURAL RULES  
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

**SERIES 27  
FINANCIAL ASSISTANCE TO ATHLETES**

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**SUMMARY**

**TITLE 133  
PROCEDURAL RULES  
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION  
SERIES 27  
FINANCIAL ASSISTANCE TO ATHLETES**

This policy sets forth guidelines for public colleges and universities to use in the awarding and retention of financial assistance to athletes.

□  
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 133-27: Financial Assistance to Athletes

Type of Rule: \_\_\_\_\_ Legislative    \_\_\_\_\_ Interpretive      X   Procedural

Agency: Higher Education Policy Commission

Address: 1018 Kanawha Boulevard East  
Charleston, WV 25301

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<b>ESTIMATED TOTAL COST</b>	-0-	-0-	-0-	-0-	-0-
<b>PERSONAL SERVICES</b>					
<b>CURRENT EXPENSE</b>					
<b>REPAIRS &amp; ALTERATIONS</b>					
<b>EQUIPMENT</b>					
<b>OTHER</b>					

2. Explanation of Above Estimates:

There is no cost to implementation of this rule. It is procedural.

3. Objectives of These Rules:

This policy sets forth guidelines for public colleges and universities to use in the awarding and retention of financial assistance to athletes.

Rule Title: 133-27: Financial Assistance to Athletes

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

None.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

None

C. Economic Impact on Citizens/Public at Large.

None

Date: April 24, 2002

Signature of Agency Head or Authorized Representative:

J. Michael Dullen, jd